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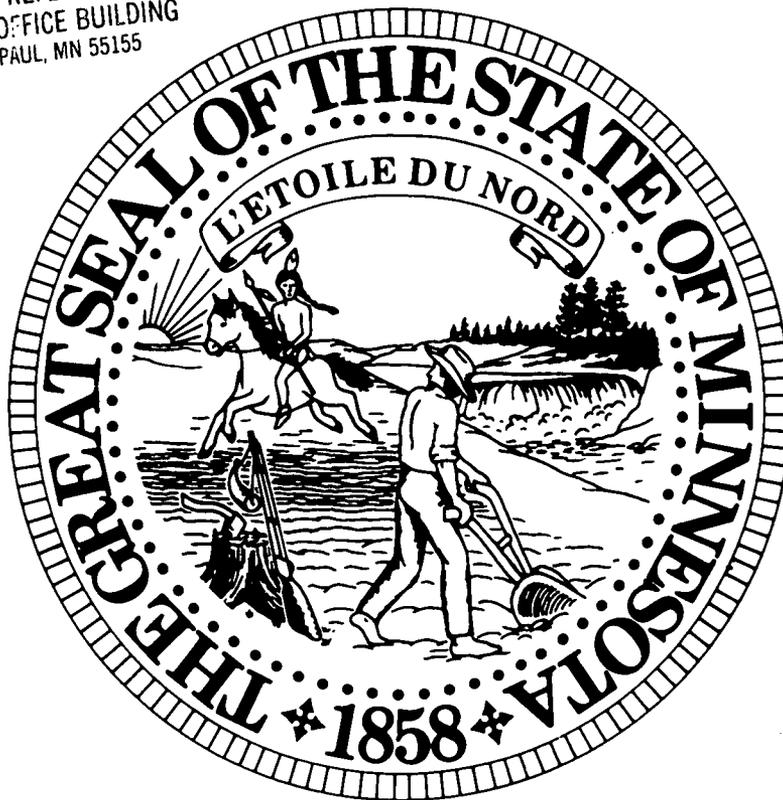
The Minnesota
**State
Register**

Department of Administration—Print Communications Division

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State Register

Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official notices, state and non-state contracts, contract awards, grants, and a monthly calendar of cases to be heard by the state supreme court.

A *Contracts Supplement* is published every Thursday and contains additional state contracts and advertised bids, and the most complete source of state contract awards available in one source.

Printing Schedule and Submission Deadlines

| Vol. 15 Issue Number | *Submission deadline for Adopted and Proposed Rules, Commissioners' Orders** | *Submission deadline for Executive Orders, Contracts, and Official Notices** | Issue Date |
|----------------------------|--|--|--------------------|
| 26 | Monday 10 December | Monday 17 December | Monday 24 December |
| 27 | Monday 17 December | Monday 24 December | Monday 31 December |
| 28 | Monday 24 December | Monday 31 December | Monday 7 January |
| 29 | Monday 31 December | Monday 7 January | Monday 14 January |

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the *State Register* editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

The *State Register* is published every Monday (Tuesday when Monday is a holiday) by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to *Minnesota Statutes* § 14.46. A *State Register Contracts Supplement* is published every Thursday. The Monday edition is the vehicle for conveying all information about state agency rulemaking, including official notices; hearing notices; proposed, adopted and emergency rules. It also contains executive orders of the governor; commissioners' orders; state contracts and advertised bids; professional, technical and consulting contracts; non-state public contracts; state grants; decisions of the supreme court; a monthly calendar of scheduled cases before the supreme court; and other announcements. The Thursday edition contains additional state contracts and advertised bids, and the most complete listing of contract awards available in one source.

In accordance with expressed legislative intent that the *State Register* be self-supporting, the following subscription rates have been established: the Monday edition costs \$140.00 per year and includes an index issue published in August (single issues are available at the address listed above for \$3.50 per copy); the combined Monday and Thursday editions cost \$195.00 (subscriptions are not available for just the *Contracts Supplement*); trial subscriptions are available for \$60.00, include both the Monday and Thursday edition, last for 13 weeks, and may be converted to a full subscription anytime by making up the price difference. No refunds will be made in the event of subscription cancellation.

Both editions are delivered postpaid to points in the United States, second class postage paid for the Monday edition at St. Paul, MN, first class for the Thursday edition. Publication Number 326630 (ISSN 0146-7751).

Subscribers who do not receive a copy of an issue should notify the *State Register* circulation manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

Rudy Perpich, Governor
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Department of Administration

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FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

SENATE

Briefly-Preview—Senate news and committee calendar; published weekly during legislative sessions.

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office
Room 231 State Capitol, St. Paul, MN 55155
(612) 296-0504

HOUSE

Session Weekly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions

This Week—weekly interim bulletin of the House.

Session Summary—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office
Room 175 State Office Building, St. Paul, MN 55155
(612) 296-2146

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NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-9747.

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Criminal Code & Selected Statutes 1989—Governs the conduct of peace officers. Includes continuing education requirements, sentencing standards, and more. Code No. 2-68. \$18.00.

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TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Proposed Rules

Pursuant to Minn. Stat. §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Board of Chiropractic Examiners

Proposed Permanent Rules Relating to Graduate Preceptorship Program

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Chiropractic Examiners, hereinafter "Board," intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* 14.22 to 14.28 (1988). The statutory authority to adopt the rule is *Minnesota Statutes* 148.08, subdivision 3.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the Board will proceed pursuant to *Minnesota Statutes* 14.131 to 14.20 (1988).

Comments or written requests for a public hearing must be submitted to:

Executive Director
Minnesota Board of Chiropractic Examiners
2700 University Avenue, Suite 20
St. Paul, MN 55114

The proposed rule may be modified if the modifications are supported by data and views submitted to the Board and do not result in a substantial change in the proposed rule as noticed.

The rule proposed for adoption relates to the following matter: Graduate Preceptorship Program. A free copy of the rule is available upon request from the Executive Director at the above address.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and the reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from the Executive Director at the above address upon request.

Promulgation of the proposed rule will not result in the expenditure of public monies by local public bodies nor have an impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes* Sec. 14.11 (1988). It is the position of the Board that it is not subject to *Minnesota Statutes* Sec. 14.115 (1988) regarding small business considerations in rulemaking. The basis for this position, and the Board's evaluation of the applicability of the methods contained in *Minnesota Statutes* Sec. 14.115, subd. 2 (1988), for reducing the impact of the proposed rules, should it be determined that the Board is governed by Section 14.115 are addressed in the Statement of Need and Reasonableness.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the adopted rule must submit the written request to the Executive Director at the above address.

Dated: 16 November 1990

Joel B. Wulff, DC
Executive Director

Rules as Proposed (all new material)

2500.2500 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 2500.2500 to 2500.2530.

Subp. 2. **Board.** "Board" means the Minnesota Board of Chiropractic Examiners.

Subp. 3. **Diagnosis.** "Diagnosis" means the physical, clinical, and laboratory examination of the patient, and the use of x-ray for diagnostic purposes within the scope of practice described in *Minnesota Statutes*, sections 148.01 to 148.10.

Subp. 4. **Intern.** "Intern" means an unlicensed graduate of a board-approved chiropractic college who assists in the care of patients outside the confines of the clinic of a chiropractic college.

Subp. 5. **License.** "License" means a license issued by the board to practice chiropractic including an original license or renewal license.

Subp. 6. **Practice of chiropractic.** "Practice of chiropractic" means the diagnosis, prognosis, and treatment by chiropractic methods that include those procedures preparatory to and complementary to an adjustment and the normal chiropractic regimen and rehabilitation of the patient as taught in accredited chiropractic schools and colleges.

Subp. 7. **Preceptor.** "Preceptor" means a supervising licensed chiropractic physician approved by the board.

Subp. 8. **Preceptorship training program.** "Preceptorship training program" means a board-approved program by which an intern may practice chiropractic under the direct supervision of a licensed chiropractic physician for one nine-month period.

Subp. 9. **Private practice.** "Private practice" means a privately owned chiropractic business held individually or by incorporation operating without the interest of any hospital, teaching facility, or insurance company.

2500.2505 PROGRAM ADMINISTRATOR.

The preceptorship training program is administered by the Executive Director, Minnesota Board of Chiropractic Examiners, 2700 University Avenue West, Suite 20, St. Paul, Minnesota 55114.

2500.2510 ROLE OF THE PRECEPTOR.

Preceptors shall follow the procedures in items A to C when supervising an intern.

A. The preceptor shall meet with the intern on a regular basis, at least one hour per week, to provide valuable feedback and interaction for one another regarding the intern's performance as an associate doctor and the preceptor's performance as an educator. Patient care shall be discussed as outlined in item B.

B. The preceptor shall involve the intern in sharing patient care responsibilities, including:

- (1) completing the history and examination;
- (2) conducting x-ray examinations, preparing reports, and conducting laboratory tests, if applicable;
- (3) having the intern maintain patient records and convey information to the preceptor's practice; and
- (4) treatment of patients.

C. The preceptor shall approve the intern's treatment plan before implementing the treatment of a patient.

2500.2515 ELIGIBILITY AND RESPONSIBILITIES OF PRECEPTOR.

Subpart 1. **Eligibility.** The preceptor must:

- A. be licensed by the board;
- B. have actively practiced chiropractic continuously for the preceding five years;
- C. have actively practiced chiropractic in Minnesota for at least the last three years;
- D. be in good standing with the board; and
- E. be in private practice only.

Subp. 2. **Doctor to intern ratio.** The doctor to intern ratio shall be one to one unless special authorization is granted by the board's executive director and at least one board member. Special authorization shall not exceed a doctor to intern ratio of one to two in any situation. An authorization for a doctor to intern ratio greater than one to one lasts only for the duration of that specified intern's preceptorship training program. Special authorization shall be given under the following circumstances:

A. when a preceptor is removed from the program while an intern is under the preceptor's supervision and the intern needs to be placed with another registered preceptor; or

B. when one intern has failed to pass the board licensing examination and that intern's preceptorship training program time overlaps into another intern's expected starting date.

Subp. 3. **Fees.** If preceptor application is approved, a \$100 fee shall be assessed. In addition, the preceptor shall be assessed a \$100 annual fee for participation in the preceptorship training program.

Subp. 4. **Application.** An applicant for preceptorship must complete and file with the board a preceptor application, a sworn affidavit, and a preceptor/intern agreement on forms prescribed by the board. The affidavit must:

A. state that the applicant has been practicing continuously for the immediately preceding five years and in Minnesota for the immediately preceding three years;

B. state that the applicant has never been disciplined by the board or any state board and is not currently the subject of any professional disciplinary action in any state;

C. include the applicant's Minnesota license number and year of issuance; and

E. include the name, current mailing address, birth date, and physical description of the intern.

Subp. 5. **Continuing requirements.** A preceptor whose application has been approved must follow the requirements of items A to E.

A. The preceptor shall notify the board of any malpractice or disciplinary action that occurs subsequent to board approval of participation in the preceptorship training program.

B. The preceptor shall act as a teacher to the graduate within the practice environment.

C. The preceptor must be within the environment in which an intern is working at all times. Failure to maintain this requirement shall result in immediate dissolution of the preceptorship agreement. In the event of a vacation or illness of the preceptor, the intern may only continue with the intern's duties under the guidance of a licensed doctor of chiropractic who has been approved to serve as a preceptor.

D. The preceptor must direct the intern only in treatment care that is within the educational background and experience of the preceptor.

E. The preceptor must provide all patients with the following standard policy statement that informs them of the possibility of an intern performing various services:

Patient care, examinations, and treatment are administered by Dr. (preceptor's name or the name of the board-approved chiropractic intern).

Please notify office staff if you have any questions or concerns regarding this Office Policy Statement. If you are in agreement with this statement, please sign your name and date on the space provide below.

Patient Name: _____

Date: _____

2500.2520 ELIGIBILITY AND RESPONSIBILITIES OF INTERN.

Subpart 1. **Eligibility and limitations.** An intern must be a graduate of an accredited chiropractic college.

Subp. 2. **Malpractice insurance.** An intern must submit to the board proof of application and acceptance to an authorized malpractice insurance carrier for coverage during the term of the preceptorship training program.

The intern must contact the insurance carrier of the preceptor doctor and fulfill the carrier's requirements to obtain malpractice insurance coverage during the entirety of the intern's preceptorship program.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

The intern should be aware that documents required may take some time to obtain. Therefore, it is suggested that the intern initiate this procedure within an appropriate amount of time before application for inclusion in the preceptorship training program.

All documents verifying malpractice coverage must be received by the board before approval of participation in the preceptorship training program will be given.

Subp. 3. **Application.** An applicant for internship must:

A. complete and file with the board an application in a form prescribed by the board; and

B. submit a certified copy of the applicant's final chiropractic college transcript showing a date of graduation within six months immediately preceding the next scheduled license examination.

Subp. 4. **Continuing requirements.** An intern whose application has been approved may only participate in treatment care that is within the educational background and experience of the preceptor.

2500.2525 MINIMUM REQUIREMENTS OF A PRECEPTORSHIP TRAINING PROGRAM.

The following requirements must be met for board approval of a preceptorship training program:

A. An intern shall not function in the program without written approval of the board; and

B. A licensed doctor shall not function in the program without written approval of the board.

2500.2530 TERMINATION OF THE PRECEPTORSHIP PROGRAM.

A preceptorship training program must terminate no later than nine months after the intern's graduation from a board-approved chiropractic college. It must be terminated before that time if:

A. the board finds that either the intern or the preceptor failed to comply with *Minnesota Statutes*, chapter 148, or part 2500.2100;

B. a letter of termination is received by the board with either the signature of the preceptor or the intern;

C. upon completion of the nine-month preceptorship program if the intern fails to pass the board licensure examination for a second time; or

D. the preceptor is removed from the preceptorship training program because of activities that result in disciplinary action by the board that did not involve the intern. Board staff shall make every effort to place the intern with another preceptor in order for the intern to complete the preceptorship training program with little or no interruption.

Board of Chiropractic Examiners

Proposed Permanent Rules Relating to the Practice of Chiropractic

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Chiropractic Examiners, hereinafter "Board," intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* 14.22 to 14.28 (1988). The statutory authority to adopt the rule is *Minnesota Statutes* 148.08, subdivision 3.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the Board will proceed pursuant to *Minnesota Statutes* 14.131 to 14.20 (1988).

Comments or written requests for a public hearing must be submitted to:

Executive Director
Minnesota Board of Chiropractic Examiners
2700 University Avenue, Suite 20
St. Paul, MN 55114

The proposed rule may be modified if the modifications are supported by data and views submitted to the Board and do not result in a substantial change in the proposed rule as noticed.

The rule proposed for adoption relates to the following matters: Free Services Advertising, Nonstandard Methods of Practice, Continuing Education Requirements, Inactive License Status, and License Termination Procedure. A free copy of the rule is available upon request from the Executive Director at the above address.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and the reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from the Executive Director at the above address upon request.

Promulgation of the proposed rule will not result in the expenditure of public monies by local public bodies nor have an impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes* Sec. 14.11 (1988). It is the position of the Board that it is not subject to *Minnesota Statutes* Sec. 14.115 (1988) regarding small business considerations in rulemaking. The basis for this position, and the Board's evaluation of the applicability of the methods contained in *Minnesota Statutes* Sec. 14.115, subd. 2 (1988), for reducing the impact of the proposed rules, should it be determined that the Board is governed by Section 14.115 are addressed in the Statement of Need and Reasonableness.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the adopted rule must submit the written request to the Executive Director at the above address.

Dated: 16 November 1990

Joel B. Wulff, DC
Executive Director

Rules as Proposed

2500.0100 DEFINITIONS.

Subpart 1. Scope. For the purposes of this chapter, the terms defined in this part have the meanings given them.

Subp. 2. Certification of good standing. "Certification of good standing" means the issuance of an official notice from another state certifying the licensee has no pending or final disciplinary action.

Subp. 3. Inactive license. "Inactive license" means a restricted license that allows the licensee to maintain a license but does not allow the licensee to actively practice in Minnesota.

Subp. 4. Nonstandard methods. "Nonstandard methods" means those methods and diagnostic procedures and devices within the scope of practice that have not been researched by parties other than the manufacturer and deemed safe for and of benefit to the public, and taught in or accepted by board-approved chiropractic colleges or Minnesota Medical Board-accepted medical schools as intended for use in a chiropractic setting.

Subp. 5. Standard methods. "Standard methods" means those chiropractic methods and diagnostic procedures and devices that have been researched by parties other than the manufacturer and deemed safe for and of benefit to the public or taught in board-approved chiropractic colleges or Minnesota Medical Board-accepted medical schools and are within the provisions in *Minnesota Statutes*, section 148.01.

2500.0500 ADVERTISING FREE SERVICES.

Free or discounted chiropractic services shall be provided to all patients during the period of time specified in the advertisements, whether or not the consumer is aware of the free services or discounted fee, and whether or not payment is to be made by the individual or a third-party payer such as an insurance company.

Free or discounted examinations or chiropractic treatments shall be equivalent to the same examinations or chiropractic treatments as provided at a full charge.

When using the word "free," or any other term with essentially the same meaning, in reference to any service, examination, or treatment, the following statement must be submitted by the doctor to the patient or guardian upon completion of the free services for signature and kept on file:

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. **Strike outs** indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. **Strike outs** indicate deletions from proposed rule language.

Proposed Rules

“I understand all services to this point have been free of charge. Any subsequent services will be provided for at the fees explained to me at this time.”

2500.1110 LICENSE TERMINATION PROCEDURE.

Subpart 1. For failure to renew license. The procedures in this part shall be followed by the board for all licensees who have failed to submit the annual renewal application according to parts 2500.1000 to 2500.2000 including, where applicable, required information about continuing education and applicable fees, except as provided in parts 2500.1000 to 2500.2000.

Subp. 2. Notice. By January 31 of each year, the board shall send to the address on file with the board, a notice to each licensee who has not made application for license renewal. The notice shall state that:

A. the licensee has failed to make application for renewal;

B. the amount of renewal and late fees;

C. the information required about continuing education hours as specified in part 2500.1200 which must be submitted in order for the license to be renewed;

D. the licensee may voluntarily retire the license by notifying the board or that the licensee may apply for an inactive license;
and

E. failure to respond to the notice by the date specified, which date must be at least 33 days after the notice is sent out by the board, either by submitting the renewal application and applicable fees, or the information required about continuing education hours, or by notifying the board that the licensee has voluntarily retired the licensee's license shall result in termination of the license to practice chiropractic in Minnesota.

Subp. 3. Date of termination. If the application for renewal, including required information about continuing education, and the annual and late fees or notice of voluntary retirement is not received by the board by the date specified in the notice, the license shall expire and the licensee's right to practice chiropractic in the state of Minnesota shall terminate as of the date specified in the notice. The termination shall not be considered a disciplinary action against the licensee.

Subp. 4. Deferment of continuing education deadline. If a deferment of continuing education has been granted according to part 2500.2000, the license will expire at the end of the extension granted if the licensee does not submit within that time period evidence of having accumulated the required hours of continuing education. Any continuing education hours accumulated during the extension period shall not count toward the meeting of requirements of the next year's renewal requirements.

Subp. 5. Requests for deferment extension. If the board grants permission, a licensee may submit a request for an extension of the first deferment period. The board shall grant the extension only in cases of extreme hardship or other compelling reasons. Financial hardship caused by loss of the license shall not meet these standards. The burden rests on the licensee to prove that an extension should be granted which in no case shall exceed an additional six months.

2500.1200 CONTINUING EDUCATION.

[For text of subs 1 to 4, see M.R.]

Subp. 5. IME requirements. In addition to the 20 hours of continuing education hours required for annual license renewal, all licensed chiropractors registered with the board to perform independent medical examinations must attend ten hours of continuing education annually relating to independent medical examinations. All courses and seminars must be approved by the board as provided in part 2500.1400.

Subp. 6. Acupuncturists. In addition to the 20 hours of continuing education hours required for annual license renewal, all licensed chiropractors registered with the board in acupuncture must attend ten hours of continuing education annually relating to the practice of acupuncture. All courses and seminars must be approved by the board as provided in part 2500.1400.

Subp. 7. Sexual abuse recognition. All chiropractors applying for licensure or for the renewal of a license on or after January 1, 1992, inclusive in the 20 hours of continuing education hours required for annual license renewal, must have completed eight hours of course work or training regarding the establishment of professional boundaries in the clinical setting, and the identification and reporting of child and vulnerable adult abuse and maltreatment. The course work or training must be obtained from an institution or provider which has been approved by the board to provide such course work or training.

The course work or training must include the following:

A. boundary training as it relates to professional conduct in the clinical setting;

B. information regarding the physical and behavioral indicators of child and vulnerable adult abuse and maltreatment; and

C. the statutory reporting requirements in Minnesota Statutes, chapter 626, including, but not limited to, when and how a report must be made, what other actions a reporter is mandated or authorized to take, the legal protections afforded reporters, and their consequences for failure to report.

Each chiropractor must provide the board with documentation showing proof of attendance and successful completion of the required training.

Each chiropractor who is applying for licensure must fulfill this provision before taking the board licensure examination.

This provision must be fulfilled by licensed chiropractors every four years after commencing January 1, 1992.

2500.2000 WAIVER OR DEFERMENT OF CONTINUING EDUCATION REQUIREMENTS.

The board shall waive or defer compliance with some or all annual continuing education requirements for any licensee presenting satisfactory written evidence to the board of illness or hardship making it impossible or highly impractical for the licensee to attend or to have attended a sufficient number of approved continuing education class hours. No deferment shall last more than 60 days.

2500.2020 INACTIVE LICENSE.

A Minnesota licensed chiropractor may apply to the board for an inactive license according to items A to C. An inactive license is intended for those chiropractors who will be in active practice elsewhere.

A. Applicants must complete a board-approved application which must include a signed affidavit stating that the applicant will no longer be actively practicing chiropractic in the state of Minnesota.

B. Upon approval of an application, the board will modify the annual license certificate to indicate inactive licensure.

C. The board may refuse to approve an application if:

(1) a pending or final disciplinary action exists against an applicant's Minnesota license;

(2) a pending or final disciplinary action exists against an applicant's license in another state where the applicant has been licensed to practice chiropractic; or

(3) the applicant's Minnesota license is not current in fees and penalties paid, or in continuing education hours obtained for annual license renewal.

2500.2030 ANNUAL RENEWAL OF INACTIVE LICENSE.

The annual renewal fee for an inactive license is 75 percent of the current fee imposed by the board for license renewal.

2500.2040 REINSTATEMENT OF INACTIVE LICENSE.

An inactive license may be reinstated to a nonrestricted license according to items A to E:

A. completion of a board-approved application of reinstatement;

B. payment of a reinstatement fee in the amount of \$100;

C. submission of a certification of good standing from each state the doctor was granted a license;

D. submission of a notarized statement from the doctor stating:

(1) that the doctor has remained in active practice in another state or country during the period of inactive license status in Minnesota;

(2) that the doctor has met the continuing education requirements as approved by Minnesota or the states or countries in which the doctor practiced chiropractic, or has taken at least 12 hours of continuing education each year of inactive license status, whichever is greater; and

(3) the specific addresses of where the doctor has been in active practice; and

E. completion of 20 hours of continuing education as approved by the board the year prior to application for reinstatement.

If any of the requirements of items A to E are not met by the doctor, the board will deny approval of the application for reinstatement.

2500.2050 INACTIVE RETIRED LICENSE.

A Minnesota licensed chiropractor who intends to retire from the practice of chiropractic may apply to the board for an inactive retired license.

The licensee must apply for an inactive retired license according to part 2500.2020.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. **Strike outs** indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. **Strike outs** indicate deletions from proposed rule language.

Proposed Rules

2500.2060 ANNUAL RENEWAL OF INACTIVE RETIRED LICENSE.

The annual renewal fee for an inactive retired license is 75 percent of the current fee imposed by the board for license renewal.

2500.2070 REINSTATEMENT OF INACTIVE RETIRED LICENSE.

An inactive retired license may be reinstated to a nonrestricted license within three years from the date that inactive retired status is in effect according to items A to D.

A. The doctor must have been licensed for at least five years previous to inactive retired license status.

B. The doctor must obtain 30 hours of board-approved continuing education hours within the year before application for reinstatement.

C. The doctor must be in good standing with the board and must provide certificates of good standing from all other states in which the doctor is licensed.

D. The doctor must pay a reinstatement fee in the amount of \$100.

After three years from the date inactive retired license status is in effect, this reinstatement provision will not be an available option. Proof of 20 board-approved continuing education hours per year of inactive retired license status will be required for reinstatement. Without proof of 20 hours of continuing education, reexamination will be required to obtain full license status.

If any of the requirements of items A to D are not met by the doctor, the board shall deny approval of the application for reinstatement.

2500.4010 NONSTANDARD METHODS PERMITTED.

In order to clarify for the patient the use of nonstandard methods as compared to standard methods in the treatment or diagnosis of a chiropractic condition, written informed consent of the patient must be obtained by the doctor of chiropractic before the use of any nonstandard method. The amount of compensation, if any, for the use of nonstandard methods shall be paid upon written agreement between the patient and the doctor of chiropractic. This includes methods, procedures, and devices being used in conjunction with formal research which are considered to be nonstandard methods. Nothing in this part constitutes authorization for the use of illegal practice methods or methods without the authorization of the scope of chiropractic practice.

Department of Commerce

Proposed Permanent Rules Relating to Real Estate Appraiser Licensing, Education, and Conduct

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Department of Commerce intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, Sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statute* Section 82B.13 and Section 82B.19 and Section 82B.20.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30 day comment period. If 25 or more persons submit a written request for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the department will proceed pursuant to *Minnesota Statutes*, Section 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Richard G. Gomsrud
Department Counsel
Minnesota Department of Commerce
133 East Seventh Street
St. Paul, Minnesota 55101
(612) 296-5689

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available upon request from:

Richard G. Gomsrud
Department Counsel
Minnesota Department of Commerce
133 E. Seventh Street
St. Paul, Minnesota 55101

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to:

Richard G. Gomsrud
Department Counsel
Minnesota Department of Commerce
133 E. Seventh Street
St. Paul, Minnesota 55101

Thomas H. Borman
Commissioner of Commerce

Rules as Proposed (all new material)

2808.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of this chapter, the terms defined in this part have the meanings given them.

Subp. 2. **Applicant.** "Applicant" means an individual who has applied to the commissioner of commerce pursuant to *Minnesota Statutes*, chapter 82B, for a license as a real estate appraiser.

Subp. 3. **Appraisal foundation or foundation.** "Appraisal foundation" or "foundation" means the appraisal foundation established on November 30, 1987, as a nonprofit corporation under the laws of Illinois.

Subp. 4. **Appraisal standards board.** "Appraisal standards board" means the independent board of the appraisal foundation responsible for promulgation of minimum appraisal standards for federally related transactions.

Subp. 5. **Appraiser qualifications board.** "Appraiser qualifications board" means the independent board of the appraiser foundation responsible for promulgation of qualification criteria for state certified real estate appraisers, and issuing or endorsing a uniform state certification examination.

Subp. 6. **Classroom hour.** "Classroom hour" means 50 minutes out of each 60-minute segment.

Subp. 7. **Commissioner.** "Commissioner" means the commissioner of commerce.

Subp. 8. **Coordinator.** "Coordinator" means an individual who is responsible for monitoring real estate appraisal education offerings.

Subp. 9. **Federally related transactions.** "Federally related transactions" means real estate transactions requiring the services of a state licensed or certified real estate appraiser.

Subp. 10. **Foundation appraisal organization.** "Foundation appraisal organization" means a member of a private appraisal trade organization of the appraisal foundation limited to the following: American Institute of Real Estate Appraisers, American Society of Appraisers, American Society of Farm Managers and Rural Appraisers, International Association of Assessing Officers, International Right of Way Association, National Association of Independent Fee Appraisers, National Society of Real Estate Appraisers, or Society of Real Estate Appraisers.

Subp. 11. **Instructor.** "Instructor" means an individual lecturing in a real estate appraisal education offering.

Subp. 12. **Level I licensee.** "Level I licensee" means an individual licensed by this state under *Minnesota Statutes*, section 82B.11, subdivision 2.

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Subp. 13. **Level II licensee.** "Level II licensee" means an individual licensed by this state under *Minnesota Statutes*, section 82B.11, subdivision 3.

Subp. 14. **Person.** "Person" means a natural person, firm, institution, partnership, corporation, or association.

Subp. 15. **Sponsor.** "Sponsor" means a person offering or providing real estate appraisal education.

2808.0200 PAYMENT OF FEES.

Subpart 1. **Cash not accepted.** All fees shall be paid by check, draft, or other negotiable or nonnegotiable instrument or order of withdrawal that is drawn against funds held by a financial institution. Cash will not be accepted.

Subp. 2. **Overpayment of fees.** An overpayment of a fee paid pursuant to *Minnesota Statutes*, chapter 82B, shall be refunded, within a reasonable time after a letter requesting the refund is received by the commissioner and signed by the person making the overpayment.

Refunds shall not be given other than for overpayment of fees. A request for a refund of an overpayment must be received by the commissioner within six months of the date of deposit or it will be forfeited.

EXAMINATION

2808.0300 EXAMINATION REQUIREMENTS.

Subpart 1. **Level I license examination.** An examination for qualification to receive a level I real estate appraiser license shall meet the requirements of *Minnesota Statutes*, section 82B.12. A level I license examination shall test the applicant's knowledge of the following subjects:

| | <u>Level of Difficulty</u> |
|---|--------------------------------|
| I. INFLUENCES ON REAL ESTATE VALUE | Conceptual |
| A. Physical and environmental | |
| B. Economic | |
| C. Governmental and legal | |
| D. Social | |
| II. LEGAL CONSIDERATIONS IN APPRAISAL | Definitions and conceptual |
| A. Real estate vs. real property | |
| B. Real property vs. personal property | |
| C. Limitations on real estate ownership | |
| (1) private | |
| (a) deed restrictions | |
| (b) leases | |
| (c) mortgages | |
| (d) easements | |
| (e) liens | |
| (f) encroachments | |
| (2) public | |
| (a) police power | |
| i. zoning | |
| ii. building and fire codes | |
| iii. environmental regulations | |
| (b) taxation | |
| i. property tax | |
| ii. special assessments | |

(c) Eminent domain

(d) Escheat

D. Legal rights and interests

(1) fee simple estate

(2) life estate

(3) leasehold interest

(4) leased fee interest

(5) Other legal interest

(a) easement

(b) encroachment

(c) emblements signage

(d) license

(e) profits

E. Forms of property ownership

(1) individual

(2) tenancies and undivided interests

(3) special ownership forms

(a) condominiums

(b) cooperative

(c) timesharing

F. Legal description

(1) metes and bounds

(2) government survey

(3) lot and block

(4) monument

III. TYPES OF VALUE

A. Market value or value in exchange

B. Price

C. Cost

D. Investment value

E. Value in use

F. Assessed value

G. Insurable value

IV. ECONOMIC PRINCIPLES

A. Anticipation

B. Balance

C. Change

D. Competition

E. Conformity

F. Contribution

G. Increasing and decreasing returns

Definitions
and conceptual

Definitions
and conceptual

Proposed Rules

| | <u>Level of Difficulty</u> |
|--|--|
| H. Substitution | |
| I. Supply and demand | |
| J. Surplus productivity | |
| V. REAL ESTATE MARKETS AND ANALYSIS | Conceptual |
| A. Characteristics of real estate markets | |
| (1) availability of information | |
| (2) changes in supply vs. demand | |
| (3) immobility of real estate | |
| (4) segmented markets | |
| (5) regulations | |
| B. Absorption analysis | |
| (1) demographic data | |
| (2) competition | |
| (3) absorption | |
| (4) forecasts | |
| C. Role of money and capital markets | |
| (1) competing investments | |
| (2) sources of capital | |
| (3) interest rates and maturity | |
| VI. HIGHEST AND BEST USE ANALYSIS | Definitions, conceptual and calculations |
| A. Four tests | |
| (1) physically possible | |
| (2) legally permitted | |
| (3) economically feasible | |
| (4) maximally productive | |
| B. Collection and analysis of data | |
| (1) national and regional trends | |
| (2) economic base | |
| (3) local area and neighborhood | |
| (a) employment | |
| (b) income | |
| (c) trends | |
| (d) access | |
| (e) locational convenience | |
| (4) site and improvements | |
| C. Analysis of highest and best use | |
| D. Application and limitations of each approach to value | |
| (1) sales comparison | |
| (2) cost | |
| (3) income capitalization | |

Level of
Difficulty

- (1) sales comparison
- (2) cost
- (3) income capitalization

E. Reconciliation and final value estimate

F. The appraisal report

VII. APPRAISAL STATISTICAL

Conceptual and
calculation

A. Mean

B. Median

C. Mode

D. Range

E. Standard deviation

VIII. SALES COMPARISON APPROACH

Definitions,
conceptual and
calculations

A. Research and selection of comparables

(1) data sources

(2) verification

(3) units of comparison

(a) gross rent

(b) size

i. square foot

ii. acres

iii. other

(c) utility

i. rooms

ii. beds

iii. other

B. Elements of comparison

(1) property rights conveyed

(a) leased fee/leasehold

(b) easements

(c) others

(2) financing terms and cash equivalency

(a) loan payment

(b) loan balance

(3) conditions of sale

(a) arms length sale

(b) personality

(4) market conditions at time of contract and closing

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Proposed Rules

Level of
Difficulty

- (5) location
- (6) physical characteristics

C. Adjustment process

- (1) sequence of adjustments
- (2) dollar adjustments
- (3) percentage adjustments
- (4) paired sales analysis

D. Application of sales comparison approach

IX. SITE VALUE

Definitions,
conceptual and
calculations

A. Sales comparison

B. Land residual

C. Allocation

D. Extraction

E. Plottage and assemblage

X. COST APPROACH

Definitions,
conceptual and
calculations

A. Description of land and improvements

(1) site description

- (a) utilities
- (b) access
- (c) topography
- (d) size

(2) improvement description

- (a) size
- (b) condition
- (c) utility

B. Steps in cost approach

(1) reproduction vs. replacement cost

- (a) comparative unit method
- (b) unit-in-place method
- (c) quantity survey method
- (d) cost service index

(2) accrued depreciation

(a) types of depreciation

i. physical deterioration

- a. curable
- b. incurable
- c. short-lived
- d. long-lived

ii. functional obsolescence

- a. curable
- b. incurable

Level of
Difficulty

iii. external obsolescence

a. locational

b. economic

(b) methods of estimating depreciation

i. age-life method

ii. breakdown method and sequence of deductions

iii. market extraction of depreciation

C. Application of the cost approach

XI. INCOME APPROACH

A. Valuation of fee simple interests

(unencumbered)

(1) gross market value

(2) effective gross income

(a) vacancy

(b) collection loss

(3) operating expenses

(a) fixed expenses

(b) variable expenses

(c) reserve for replacements

(4) net operating income

B. Operating expense ratios

C. Gross rent multiplier

Definitions,
conceptual and
calculations

XII. VALUATION OF PARTIAL INTERESTS

A. Life estates

B. Undivided interest

C. Easements

D. Condominium interest

E. Timeshares

F. Cooperatives

Definitions
and conceptual

XIII. APPRAISAL STANDARDS AND ETHICS AND CONTENT OF MINNESOTA LAW

Subp. 2. **Level II license examination.** To qualify for a level II real estate appraiser license, an applicant must successfully complete a current uniform state examination that meets the requirements of *Minnesota Statutes*, section 82B.12.

Subp. 3. **Pass grade for examination.** A passing grade for a real estate appraiser licensing examination shall be a score of 75 percent or higher. Cheating on a real estate appraiser examination is grounds for denying an application for a license.

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2808.0400 LICENSE.

Subpart 1. **Application for real estate appraiser license.** After successful completion of the appropriate real estate appraiser licensing examination, an individual shall have one year from the date of the examination to apply for a level I or level II real estate appraiser license. Failure to apply for a license within one year will necessitate a reexamination.

Subp. 2. **Cancellation of license.** A real estate appraiser license that has been canceled for failure of a licensee to complete postlicensing education requirements must be returned to the commissioner within ten days of receipt of notice of cancellation. The license shall be reinstated without reexamination by completing the required instruction, filing an application, and paying the fee for the license within two years of the cancellation date.

2808.0500 NOTICE TO COMMISSIONER.

The commissioner must be notified in writing of a change of information contained in the license application on file with the commissioner no later than ten days after the change.

2808.0600 NONRESIDENT SERVICE OF PROCESS.

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE
LICENSING UNIT
155 East Seventh Street
Saint Paul, Minnesota 55101

INDIVIDUAL APPOINTMENT OF ATTORNEY FOR SERVICE OF PROCESS

KNOW ALL PERSONS BY THESE PRESENTS:

That in compliance with the Laws of the State of Minnesota,, a nonresident, does hereby appoint the Commissioner of Commerce of the State of Minnesota, successor or successors in office as his/her true and lawful attorney upon whom may be served all legal process in any action or proceeding in which he/she may be a party and which relates to or involves any transaction covered by *Minnesota Statutes*, chapter 82B, and does hereby expressly consent and agree that service upon such attorney shall be as valid and binding as if due and personal service had been made upon him/her and that such appointment shall be irrevocable.

IN WITNESS WHEREOF, I have hereunto set my hand this day of, 19.

STATE OF)

COUNTY OF)SS.

On this day of, 19., personally appeared before me, a notary public in and for said County and State,, to me known to be the person described in and who executed the foregoing instrument and who, being by me first sworn, acknowledged that he/she executed the same as his/her free act and deed.

Notary Public, County.

(NOTARIAL SEAL) My commission expires

2808.0700 WITHDRAWAL OF LICENSE OR APPLICATION.

A licensee or license applicant may at any time file with the commissioner a request to withdraw from the status of licensee or to withdraw a pending license application. Withdrawal from the status of licensee or withdrawal of the license application becomes effective 30 days after receipt of a request to withdraw or within a shorter period as the commissioner determines unless a revocation, suspension, or denial proceeding is pending when the request to withdraw is filed or a proceeding to revoke, suspend, deny, or to impose conditions upon the withdrawal is instituted within 30 days after the request to withdraw is filed. If a proceeding is pending or instituted, withdrawal becomes effective at the time and upon the conditions the commissioner by order determines. If no proceeding is pending or instituted and withdrawal automatically becomes effective, the commissioner may institute a revocation or suspension proceeding within one year after withdrawal became effective and enter a revocation or suspension order as of the last date on which the license was in effect.

2808.0800 FAILURE TO RENEW LICENSE.

If a license lapses or becomes ineffective due to the licensee's failure to file a timely renewal application, the commissioner may institute a revocation or suspension proceeding and enter a revocation or suspension order as of the last date on which the license was in effect.

2808.0900 REVOCATIONS.

If the commissioner finds that any licensee or applicant is no longer in existence or has ceased to do business as a real estate appraiser or is subject to an adjudication of mental incompetence or to the control of a committee, conservator, or guardian, or cannot be located after reasonable search, the commissioner may by order revoke the license or deny the application.

2808.1000 COURSE COMPLETION CERTIFICATES FOR REAL ESTATE APPRAISER LICENSE.

Applicants for a real estate appraiser license shall submit to the commissioner, along with their application for licensure, a copy of the course completion certificate for all required prelicensing coursework applicable to the level of license classification sought.

The real estate appraiser licensing education course completion certificate shall be in the form set forth by the commissioner.

Students are responsible for maintaining copies of course completion certificates.

INITIAL REAL ESTATE APPRAISER LICENSING EDUCATION**2808.2000 PRELICENSING EDUCATION.**

Subpart 1. **Level I requirement.** Approved courses of prelicense education for level I licensure must total at least 75 classroom hours of instruction consisting of no less than 60 hours of general real estate appraisal principles and 15 hours related to the uniform standards of professional appraisal practice and applicable Minnesota law.

Except as provided in *Minnesota Statutes*, section 82B.225, each applicant for a level I real estate appraiser license is required to successfully complete all coursework before making a license application.

Subp. 2. **Level II requirement.** Approved courses of prelicense education for level II licensure must total at least 150 classroom hours of instruction including no less than 15 hours related to the uniform standards of professional appraisal practice and applicable Minnesota law.

Except as provided in *Minnesota Statutes*, section 82B.225, each applicant for a level II real estate appraiser license is required to successfully complete all coursework before making a license application.

Subp. 3. **Successful completion of prelicense education.** Successful completion of prelicense education requires full-time classroom attendance throughout the course and completion of required assignments or reading materials and passage of an examination designated by the sponsor that is sufficiently comprehensive to measure the student's knowledge of all aspects of the course.

Subp. 4. **Limitation on use toward continuing education.** Prelicensing education courses may not be taken for credit toward an individual's continuing education requirements unless the individual is currently licensed as a real estate appraiser and has not taken the same prelicensing education course within the prior three-year period.

2808.2100 PRELICENSING COURSE REQUIREMENT.

Subpart 1. **Mandatory.** A person approved by the commissioner to provide prelicensing real estate appraisal education courses must offer instruction that, at a minimum, meets the criteria in this part.

Subp. 2. **Level I course hours.** Level I prelicensing courses must incorporate at least the following topics, with particular emphasis on residential properties such as:

- A. influences on real estate value;
- B. legal considerations in appraisal;
- C. types of value;
- D. economic principles;
- E. real estate markets and analysis;
- F. valuation process;
- G. property description;
- H. highest and best use analysis;
- I. appraisal statistical concepts;
- J. sales comparison approach;
- K. site value;

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- L. cost approach;
- M. income approach;
- N. valuation of partial interests;
- O. appraisal standards and ethics; and
- P. Minnesota real estate and related laws.

Subp. 3. **Level II courses.** Level II courses must consist of 75 additional hours in the following topics and must be taken in the order listed:

- A. introduction to income property appraisal;
- B. advanced income capitalization procedures; and
- C. applied income property valuation.

Subp. 4. **Level II course curriculum.** Course curriculum for level II courses must be based on the following outline:

- I. Introduction to income property appraisal
 - A. Income and expense analysis
 - B. Estimate of value
 - C. Appraisal math and statistics
- II. Advanced income capitalization procedures
 - A. Valuation of fee simple interests
 - B. Operating statement ratios
 - C. Direct capitalization
 - D. Cash flow estimates and measures
- III. Applied income property valuation.

Subp. 5. **Additional course content.** Prelicensing courses may include coverage of subject matter not prescribed in this part; however, such subject matter must be presented in addition to, and may not be substituted for, the course content or hours specified herein.

Subp. 6. **Textbooks.** Each real estate appraiser prelicensing course must use a text or other written materials. Texts and materials must be approved by the commissioner before initiation of the course. The commissioner may also require the use of additional materials as appropriate to assure thorough coverage of the topic areas prescribed in this part.

Subp. 7. **Prelicensing education courses; access.** Access to prelicensing education courses may be restricted by the sponsor based on class size only not by membership in any group or other basis.

Subp. 8. **Fees.** Fees for courses shall be reasonable and clearly identified to students.

Reasonable discounts of tuition may be offered on basis approved by the department in the course approval.

If a course is canceled for any reason, all fees shall be returned promptly. In all instances, the fees must be refunded within ten days of cancellation.

In the event that a course is postponed for any reason, students shall be given the choice of attending the course at a later date or having their tuition refunded in full. The fees must be refunded within ten days of postponement unless the student has notified the sponsor that he or she has chosen to attend the postponed course.

A sponsor may have a refund policy addressing student's cancellation or failure to complete a course, as long as that policy is clear to potential students.

Subp. 9. **Adequate facility to be used.** Each course of study shall be conducted in a classroom or other facility that is adequate to comfortably accommodate the faculty and the number of students enrolled. The sponsor may limit the number of students enrolled in a course.

2808.2200 PRELICENSING EDUCATION COORDINATORS AND INSTRUCTORS.

Subpart 1. **Coordinator.** Each course of real estate appraisal licensing education must have at least one coordinator, approved by the commissioner, who is responsible for supervising the education program and assuring compliance with the statutes and rules governing the offering of real estate appraisal education courses.

Parts 2808.3000, 2808.3300, and 2808.3400 constitute the general requirements for real estate appraiser prelicensing education coordinators.

Subp. 2. **Instructor general requirement; preclicensing education.** Each course of real estate appraisal preclicensing education must be taught by an instructor, approved by the commissioner, who is qualified by education, training, or experience to assure competent instruction. Failure to have only approved instructors teach at an approved preclicensing education offering will result in loss of course approval. If, after approval of a course, the instructor named in the application for course approval is unable to teach the course and there is insufficient time to obtain approval of a substitute instructor, credit for the parts of a course taught by an unapproved instructor may be obtained if the following requirements are satisfied:

A. Within 15 business days after the course is taught by an unapproved instructor, a request for approval of the instructor is filed with the department. The request must be made on forms prescribed by the commissioner.

B. Notice of the use of an unapproved instructor must be given to all enrollees as soon as that fact is known and again prior to the commencement of the course. The notice must state:

(1) that no credit may be earned for the course;

(2) that a full refund will be given if the enrollee decides not to attend the course; and

(3) that if the enrollee does attend the course and does not earn credit for the course, a full refund will be automatically made. The refund will be made when the department's determination is made as to the approval of the substitute instructor.

Subp. 3. **Instructor qualifications.** To qualify for approval by the commissioner, an instructor must meet the requirements of part 2808.3100, subpart 4, and the following:

A. A level I instructor must be licensed as either a level I or level II appraiser and have two years of full-time experience as a real estate appraiser within the preceding seven years. Prior to September 1, 1991, if the instructor is not licensed as either a level I or level II licensed real estate appraiser, that person may be an instructor if the person has completed 60 classroom hours of real estate appraiser education.

B. A level II instructor must be licensed as either a level I or level II appraiser and have five years of full-time experience as a real estate appraiser within the preceding seven years, at least 50 percent of such experience being in income property appraising. Prior to September 1, 1991, if the instructor is not licensed as a level II real estate appraiser, that person may be an instructor if the person has completed 60 classroom hours of real estate appraiser education.

Subp. 4. **Waiver.** The commissioner may approve as an instructor an individual who through education, training, or experience possesses training, experience, and licensing qualifications equivalent to those required by this part.

2808.2300 CERTIFICATION OF COURSE COMPLETION.

Subpart 1. **Forms.** Applicants for real estate appraiser licensure must provide evidence of successful completion of all required preclicensing instruction at the time of license application.

Certification of successful course completion of preclicensing education must be provided on forms prescribed by the commissioner.

Subp. 2. **Certification after completion.** A certificate of preclicensing education course completion issued before the last scheduled class meeting for the course will not be accepted by the commissioner.

Subp. 3. **Records maintained.** Sponsors of real estate appraiser preclicensing education courses must maintain on file copies of all applicants' grades and attendance records for five years from the beginning date of the courses.

Sponsors must make applicants' grades and attendance records available to the commissioner upon request.

Subp. 4. **Examinations maintained.** Sponsors of real estate appraiser preclicensing education courses must maintain on file a master copy of each course final examination, answer key, course date, and instructor's name for two years from the date of completion of the course.

Final examination files will be made available to the commissioner upon request.

REAL ESTATE APPRAISER CONTINUING EDUCATION

2808.2500 GENERAL REQUIREMENTS.

Subpart 1. **Courses approved for continuing education credit.** Only courses which impart substantive and procedural knowledge relating to the real estate appraisal field will be approved for credit. The burden of demonstrating that courses impart substantive or procedural knowledge in the real estate appraisal field is on the person seeking approval or credit.

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Subp. 2. **Nonapproved courses for continuing education.** The following are not approved courses:

- A. a course which is approved for prelicense education;
- B. courses designed to prepare students for a license examination;
- C. courses in mechanical office or business skills, including typing, speed reading, or use of calculators or other machines or equipment;
- D. courses in sales promotion, including meetings held in conjunction with the general business of the licensee;
- E. courses in motivation, salesmanship, psychology, time management, or communication;
- F. courses related to office management or intended to improve the operation of the licensee's business;
- G. courses not approved by the Department of Commerce; or
- H. courses which can be completed by the student at home or outside the classroom without the supervision of an instructor approved by the Department of Commerce.

Subp. 3. **Credit hours.** Continuing education courses must be attended in their entirety in order for a licensee to receive full credit. Proportional credit will not be given for partial attendance at a continuing education course. Sponsors may not issue certificates of compliance to students that have not attended an entire prelicensing education course. Certificates of compliance may be issued to students who have completed the entire course even if the student did so by attending more than one offering of the course.

Upon completion of approved courses, students shall receive credit for the number of hours approved for the course based on one hour of credit for each hour of attendance.

The number of approved hours will include only time spent on educational activities.

The approved instructor for a continuing education course shall earn two hours of continuing education credit for each hour of instruction of approved continuing education courses.

Neither students nor instructors may earn continuing education credit for attending or instructing at any subsequent offering of the same continuing education course for three years after attending or teaching the course.

Subp. 4. **Examinations.** Course examinations will not be required for continuing education courses unless the sponsor requires an examination.

Subp. 5. **Textbooks.** Textbooks are not required for real estate appraiser continuing education courses. If textbooks are not used, students must be provided with a syllabus containing, at a minimum, the course title, times and dates of the course offering, the names and addresses or telephone numbers of the course coordinator and instructor, and a detailed outline of the subject matter to be covered. A textbook or syllabus must be available for the use of each student during the course. Any printed material disbursed to the students must be of a readable quality. Any textbook required must contain accurate and current information relating to the subject being taught.

Subp. 6. **Approval of course offerings.** Sponsors must submit their courses to the commissioner for approval at least 30 days before the date on which the course is to be held. Each application for approval of a course offering must be accompanied by the application for approval of the instructor unless the instructor has already been approved. Applications must be submitted on forms prescribed by the commissioner.

Subp. 7. **Approval of continuing education courses not submitted for approval.** Licensees may receive continuing education credit for courses attended which have not been submitted for approval by a coordinator. Requests for approval of these courses must be submitted on forms prescribed by the commissioner.

Subp. 8. **Advertising.** Courses cannot be advertised in any manner as approved unless approval has been granted, in writing, by the commissioner.

Upon written request by a sponsor, the commissioner shall grant permission, in writing, to the sponsor to use the term "approval pending" if it is clearly visible in the advertisement and if in fact the course has been submitted to the commissioner for approval according to subpart 6.

All advertising relating to approved course offerings must contain either of the two following statements as is appropriate: "This course has been approved by the commissioner of commerce for real estate appraiser continuing education credit." or "This course has been approved by the commissioner of commerce for real estate appraiser prelicensing education credit." The statement must be prominently displayed on the cover of any pamphlet, advertisement, or circular.

The number of hours for which a course has been approved shall be prominently displayed on any advertisement for the course. If the course offering is longer than the number of hours of credit to be given, it must be clear that credit is not earned for the entire course.

Advertising must be truthful, clear, and not deceptive or misleading.

Advertising of approved courses must be clearly distinguishable from the advertisement of other nonapproved courses and services.

Subp. 9. **Approval of subsequent offerings.** If approval has been granted for the initial offering of a course, approval for subsequent offerings shall be granted without requiring a new application if a "Notice of Subsequent Offering" is filed with the commissioner at least 30 days in advance of the date the course is to be held.

Subp. 10. **Continuing education courses must be open.** All continuing education course offerings must be open to any interested individuals.

Subp. 11. **Fees.** Fees for approved courses shall be reasonable and clearly identified to students.

Reasonable discounts of tuition may be offered.

If a course is canceled for any reason, all fees shall be returned promptly. In all instances, the fees must be refunded within ten days of cancellation.

In the event that a course is postponed for any reason, students shall be given the choice of attending the course at a later date or having their tuition refunded in full. The fees must be refunded within ten days of postponement unless the student has notified the sponsor that he or she has chosen to attend the postponed course.

A sponsor may have a refund policy addressing student's cancellation or failure to complete a course, as long as that policy is clear to potential students.

Subp. 12. **Adequate facility to be used.** Each course of study shall be conducted in a classroom or other facility that is adequate to comfortably accommodate the faculty and the number of students enrolled. The sponsor may limit the number of students enrolled in a course.

Subp. 13. **National examinations.** Courses leading to a recognized national examination shall be assigned continuing education credit hours in the same manner as other courses.

2808.2600 FALSIFICATION OF REPORTS.

A licensee or applicant found to have falsified a real estate appraiser education report to the commissioner or has cheated on an examination shall be considered to have violated the real estate appraiser licensing law and shall be subject to suspension or revocation of his or her insurance license or denial of his or her application for licensing.

2808.2700 COMMISSIONER'S RIGHT TO AUDIT.

The commissioner has the right to audit subject offerings with or without notice to the sponsor.

2808.2800 GENERAL POWERS OF COMMISSIONER.

The commissioner may deny, censure, suspend, or revoke the approval of a coordinator, instructor, or course if it is determined not to be in compliance with the statute or rules governing the offering of real estate appraiser education courses. The commissioner may also refuse to approve courses by specific sponsors if it is determined that past offerings have not been in compliance with real estate appraiser education laws and rules.

2808.2900 MANDATORY NOTICE TO STUDENTS.

At the beginning of each approved real estate appraiser education offering, one of the following notices, as is appropriate, shall be read to the students: "This course has been approved by the commissioner of commerce for (number) hours of real estate appraiser continuing education credit. If you have any comments about this offering, please mail them to the Commissioner of Commerce, 133 East Seventh Street, Saint Paul, Minnesota 55101." or "This course has been approved by the Commissioner of Commerce for(number) hours of real estate appraiser precertification education credit. If you have any comments about this offering, please mail them to the Commissioner of Commerce, 133 East Seventh Street, Saint Paul, Minnesota 55101."

2808.3000 CONTINUING EDUCATION COURSE COORDINATOR.

Subpart 1. **General requirement.** Each course of study shall have at least one coordinator, approved by the commissioner, who is responsible for supervising the program and assuring compliance with the statutes and rules governing the offering of real estate appraiser education courses. Assistants may be hired by the sponsor; however, the approved coordinator remains responsible for compliance with the laws.

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Proposed Rules

Subp. 2. **Qualifications.** Course coordinators shall possess the following qualifications:

- A. a minimum of five years (during the immediately preceding five-year period) as a full-time real estate appraiser;
- B. at least three years (during the immediately preceding five-year period) full-time experience in the administration of an education program; or
- C. a degree in education plus at least two years (during the immediately preceding five-year period) full-time real estate appraisal experience.

Subp. 3. **Forms.** Applications for coordinator approval shall be submitted on forms prescribed by the commissioner.

Subp. 4. **Responsibilities.** The coordinator must:

- A. Assure compliance with all laws and rules pertaining to real estate appraiser education.
- B. Notify the commissioner of any material change in applications for course or instructor approval.
- C. Assure that students are provided with current and accurate information.
- D. Supervise and evaluate courses and instructors. The commissioner may request written evaluations of courses and/or instructors either by students or coordinators.
- E. Investigate written complaints relating to course offerings and/or instructors, and forward a copy of the written complaints to the Department of Commerce.
- F. Maintain accurate records relating to course offerings, instructors, and student attendance for a period of five years from the date the course was completed. If the coordinator leaves the employ of the sponsor, the records must be turned over to the replacement coordinator or an officer of the sponsor. If a sponsor ceases operation, the coordinator shall be responsible for maintaining the records or providing a custodian of the records acceptable to the commissioner. In order to be acceptable, custodians must agree to make copies of student records available to students at a reasonable fee. Under no circumstances will the commissioner act as custodian of the records.
- G. Be available to instructors and students throughout the course offerings and provide the name of the coordinator and a telephone number at which he or she can be reached.

H. Provide students with course completion certificates, on a form prescribed by the commissioner, within 30 days of completion of the course. Notwithstanding the preceding sentence, a coordinator may require payment of the course tuition as a condition for receiving the course completion certificate.

2808.3100 CONTINUING EDUCATION INSTRUCTORS.

Subpart 1. **General requirement; continuing education.** Each course must be taught by an instructor who is qualified by education, training, or experience to insure competent instruction. Failure to have only approved instructors teach at an approved continuing education offering will result in loss of course approval.

If, after approval of a course, the instructor named in the application for course approval is unable to teach the course and there is insufficient time to obtain approval of a substitute instructor, proportional credit will be given for those parts of the course taught by approved instructors.

Credit for the parts of a course taught by an unapproved instructor may be obtained if the following requirements are satisfied:

- A. Within 15 business days after the course is taught by an unapproved instructor, a request for approval of the instructor is filed with the department. The request must be made on forms prescribed by the commissioner.
- B. Notice of the use of an unapproved instructor must be given to all enrollees as soon as that fact is known and again prior to the commencement of the course. The notice must state:
 - (1) that fewer credit hours may be earned for the course than the course was originally approved for;
 - (2) that a full refund will be given if the enrollee decides not to attend the course; and
 - (3) that if the enrollee does attend the course and does not earn the number of credit hours for which the course was originally approved, a refund will automatically be made in proportion to the reduction in credit hours earned. The refund will be paid when the department's determination is made as to the approval of the substitute instructor.

Subp. 2. **Qualifications.** The following provisions apply to the approval and qualification of continuing education instructors. Continuing education instructors must have:

- A. a degree in any area plus two years practical experience in the subject area being taught;
- B. five years practical experience in the subject area being taught;
- C. a college or graduate degree in the subject area being taught; or

D. held an appraiser's license for three years or have three years practical experience in the subject area being taught. These individuals shall also have completed at least 60 hours of approved continuing education in the subject area being taught.

Subp. 3. **Responsibilities.** Approved instructors must:

- A. comply with all laws and rules pertaining to real estate appraiser education;
- B. provide students with current and accurate information;
- C. maintain an atmosphere conducive to learning in a classroom;
- D. provide assistance to the students and respond to questions relating to course material; and
- E. attend such workshops or instructional programs as are reasonably required by the commissioner.

Subp. 4. **Guest lecturers.** Guest lecturers who do not possess the requirements of subpart 2 may be utilized to teach up to one-third of any course, provided the guest lecturer possesses training or experience directly related to the particular subject matter covered in the course.

2808.3200 MANAGEMENT RESPONSIBILITY OF SPONSORS.

Sponsors of insurance education courses are responsible for the actions of the coordinators and instructors.

2808.3300 PROHIBITED PRACTICES FOR SPONSORS, COORDINATORS, AND INSTRUCTORS.

In connection with an approved course, sponsors, coordinators, and instructors must not:

- A. recommend or promote the services or practices of any particular real estate appraiser or appraisal firm, real estate brokerage, franchise, coordinator, instructor, or sponsor;
- B. encourage or recruit individuals to engage the services of, or become associated with, any particular real estate appraiser, appraisal firm, real estate brokerage, or franchise;
- C. use materials, clothing, or other evidences of affiliation with any particular real estate appraiser, appraisal firm, real estate brokerage, or franchise;
- D. require students to participate in other programs or services offered by the sponsor, coordinator, or instructor;
- E. take a Minnesota real estate appraiser licensing examination without the prior approval of the commissioner;
- F. attempt, either directly or indirectly, to discover questions or answers on a real estate appraiser licensing examination; or
- G. disseminate to any other person specific questions, problems, or information known or believed to be included in licensing examinations.

2808.3400 NOTIFICATION REQUIREMENTS FOR COORDINATORS AND INSTRUCTORS.

Coordinators and instructors must notify the commissioner within ten days after the occurrence of the following:

- A. a felony or gross misdemeanor conviction or of disciplinary action taken against a real estate appraiser or other occupational license held by the coordinator or instructor. The conviction or action may be grounds for denying or revoking instructor or coordinator approval.
- B. Any change of information contained in an application for approval.

2808.3500 REPORTING REQUIREMENTS.

- A. Real estate appraiser education credit must be reported by the licensee on forms and in a manner prescribed by the commissioner.
- B. Forms will not be accepted unless they reflect all the required hours. Incomplete forms will be returned to the licensee.
- C. Forms must be received by the commissioner no later than August 1 of the year due. Forms that are postmarked no later than July 15 shall be deemed timely received if addressed to: Licensing Unit, 133 West Seventh Street, Saint Paul, Minnesota 55101. Licensees are encouraged to submit the form as soon as they have completed the required hours of continuing education credit.
- D. Persons licensed for the first time on or after June 1 in any year shall not be subject to the continuing education requirements of *Minnesota Statutes*, section 82B.19, subdivision 1, until the commencement of the following annual reporting period.

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Proposed Rules

2808.3600 CONTINUING EDUCATION COURSE VERIFICATION.

The real estate appraiser continuing education course verification shall be in the form prescribed by the commissioner.

2808.3700 WAIVERS.

If a licensee provides satisfactory documentation to the commissioner that he or she is unable, and will continue to be unable, to attend actual classroom course work, because of a physical handicap, medical condition, or similar reason, attendance at continuing education courses shall be waived for a period not to exceed one year. The commissioner shall require that the individual read a sufficient number of real estate appraisal textbooks or listen to a sufficient number of real estate appraisal related tapes as would be necessary for the licensee to satisfy his or her educational credit hour needs. The commissioner shall award the licensee credit hours for reading books or listening to tapes by determining how many credit hours would be granted to a classroom course involving the same material and giving the licensee the same number of credit hours. The licensee may apply each year for a new waiver upon the same terms and conditions as were necessary to secure the original waiver. The commissioner may request such documentation of the condition upon which the request for waiver is based as is necessary to satisfy the commissioner of the existence of the condition and that the condition does preclude attendance at continuing education courses.

2808.3800 CONTINUING EDUCATION EXTENSIONS.

Upon appropriate showing of a bona fide financial or medical hardship, the commissioner shall extend, for up to 90 days, the time period during which the continuing education must be successfully completed. Loss of income from either attendance at courses or cancellation of a license is not a bona fide financial hardship.

Requests for extensions must be submitted in writing no later than June 1 of the year due and shall include an explanation with verification of the hardship, plus verification of enrollment at an approved course of study.

2808.3900 STANDARDS OF CONDUCT.

Subpart 1. **Compliance with uniform standards of professional appraisal practice.** In addition to any acts compelled or prohibited by *Minnesota Statutes*, chapter 82B, or this chapter, an appraiser must act in accordance with the standards of professional practice as defined by *Minnesota Statutes*, section 82B.02, subdivision 12.

Subp. 2. **Additional requirements.** In addition to the requirements of the standards of professional practice as defined by *Minnesota Statutes*, section 82B.02, subdivision 12, a licensed appraiser must:

- A. disclose who has employed the appraiser;
- B. disclose who the appraisal is rendered for, if not the person who employed the appraiser;
- C. disclose the purpose of the appraisal. An explanation of the difference between the appraisal being given and an appraisal of fee simple market valuation should be included;
- D. disclose any conflict of interest or any situation which might reasonably be perceived to be a conflict of interest which shall include, but not be limited to, the following situations:
 - (1) if the appraiser has any ownership interest in the property or contiguous properties;
 - (2) if there is an ownership interest of a spouse, parent, or child in the property or contiguous property;
 - (3) if the appraiser has a continuing business relationship with one of the parties, for example, any part-time or full-time employment of the appraiser or spouse or children living at home or dependent children; and
 - (4) if the appraiser's relationship with the owner of the property or the person employing the appraiser represents more than ten percent of the appraiser's income in gross billings for the last 12 months. Any disclosures required by this subpart must be made as soon as possible to allow the parties to require the withdrawal of the appraiser and the employment of another appraiser. Failure to promptly give notification of a conflict is a violation of the standards of conduct;
- E. make any required disclosures to all parties to the transaction as soon as they are identified;
- F. make any required disclosures to nonparties if they have an immediate and clear interest;
- G. disclose that the appraisal is a reevaluation and identify the areas of difference between the two appraisals and the justification for the changes;
- H. disclose any facts concerning the amount of any loan, the valuation needed for loan purposes or similar information which was provided to the appraiser before the appraisal;
- I. disclose that the appraiser has not performed appraisals of this type or for this type of property as a regular part of the appraiser's business in the preceding five years, provided that if the appraiser asserts qualification by training or related experience to perform the appraisal, the appraiser shall set forth such training or experience and how it is applicable to the appraisal;
- J. disclose the license classification of the appraiser, what types of appraisals that allows the appraiser to make;

K. not knowingly do any of the following which shall be unacceptable appraisal practices:

(1) inclusion of inaccurate or misleading factual data about the subject neighborhood, site, improvements, or comparable sales;

(2) failure to comment on negative factors with respect to the subject neighborhood, subject property, or proximity of the subject property to adverse influences;

(3) use of comparables in the valuation process even though the appraiser has not personally inspected the exterior of the comparables by, at least, driving by them;

(4) selection and use of inappropriate comparable sales or the failure to use comparables that are locationally and physically the most similar to the subject property;

(5) use of data, particularly comparable sales data, that was provided by parties who have a financial interest in the sale or financing of the subject property without the appraiser's verification of the information from a disinterested source. For example, it would be inappropriate for an appraiser to use comparable sales provided by the real estate broker who is handling the sale of the subject property, unless the appraiser verifies the accuracy of the data provided with another source and makes an independent investigation to determine that the comparables provided were the best ones available;

(6) use of adjustments to the comparable sales that do not reflect the market's reaction to the differences between the subject property and the comparables, or the failure to make adjustments when they are clearly indicated;

(7) development of a valuation conclusion that is based either partially or completely on race, color, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property; or

(8) development of a valuation conclusion that is not supported by available market data;

L. provide a current resume to anyone who employs the appraiser or upon request provide a current resume to a party to the transaction or to a nonparty with an immediate and clear interest. The resume shall indicate all professional degrees and licenses as well as companies and individuals they have performed appraisals for in the preceding 24 months. The resume is current if prepared within six months of the date provided;

M. disclose any lack of experience or training which would affect the ability of the appraiser to perform the appraisal or could cause rejection of the appraisal by the party requiring the appraisal;

N. disclose any appraisal on the same property made by the appraiser in the last five years;

O. disclose if any appraisal for similar property or of a similar type has been rejected or disqualified within the last five years and if so the reason for the rejection or disqualification;

P. disclose whether any federal or state agency, lending institution, or similar entity has removed the appraiser from its list of approved appraisers or refused to accept appraisals from the appraiser within the last five years;

Q. fail to disclose all pertinent assumptions upon which a valuation based upon income from the property is based such as expected occupancy rate, rental rate, construction of future improvements or highways;

R. disclose if the appraiser has been to the property prior to performing the appraisal and view the entire property, inside and out, as well as confirm the existence of any contiguous highways, buildings, or other factors which affect the valuation of the property;

S. reject any request by the person who has employed the appraiser that is in conflict with the requirements of these rules and Minnesota law and withdraw from the appraisal assignment if the employing party persists in their request;

T. report to the Minnesota Department of Commerce or other appropriate agency the violation or appearance of the violation, by an appraiser, of these rules or the requirements of *Minnesota Statutes*, chapter 82B; and

U. disclose any other fact or circumstance which could bring the appraisal's reliability or the impartiality of the appraiser into question.

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Department of Labor and Industry

Proposed Permanent Rule Relating to Occupational Safety and Health

Notice of Intent to Adopt Rule and Request for Comments

NOTICE IS HEREBY GIVEN that the Department of Labor and Industry, Occupational Safety and Health Division (Minnesota OSHA) proposes to adopt a revision to the Department of Labor and Industry Occupational Safety and Health Rules as authorized under *Minnesota Statute* 182.655. Specifically, Minnesota OSHA is proposing to revise proposed *Minnesota Rule* 5205.1400 "Inspection of Bins, Hoppers, and Tanks."

Minnesota Rule 5205.1400 was proposed for adoption on July 16, 1990. During the 30-day comment period, Minnesota OSHA received 50 letters commenting on the proposed rule. After careful review and consideration of those comments, the agency has decided that revisions to the original proposed rule are warranted.

The original proposal covered all bins, hoppers, and tanks without considering the many different types, sizes, shapes, designs, uses, and construction (i.e., wood, concrete, etc.) of these vessels. As written, the proposed rule requires inspection and testing of all bins, hoppers, and tanks regardless of size, use, or construction. Several commenters pointed out that some bins, hoppers, and tanks that would be subject to this proposed rule are already regulated by other government agencies; e.g., the Minnesota Department of Agriculture regulates the use, storage and handling of fertilizers and pesticides; the Food and Drug Administration and U.S. Department of Agriculture regulate feed and food products manufacturing, etc. Other commenters noted that the proposal did not consider the original material thickness nor the original design safety factor and load capacity. In addition, commenters felt the inspection schedule was unreasonably restrictive.

The original "Bins, Hoppers, and Tanks" standard was drafted following evaluation of an accident in which an overhead aggregate storage bin at a cement block manufacturer collapsed, trapping four employees and resulting in one fatality. All identified concrete block manufacturers were inspected by Minnesota OSHA and it became evident that inspections and maintenance of these hoppers were not being done on a regular basis. As the proposed rule developed, it was expanded to extend coverage to all bins, hoppers and tanks. The resulting proposed rule, however, is too all-inclusive as evidenced by the comments and information received in response to the July notice. Therefore, using the original intent of the rule as a basis and considering all information submitted in response to the first proposal, Minnesota OSHA is revising the proposed standard to read as follows:

HOPPERS

5205.1400 Inspection of Hoppers

Subpart 1. Definitions. The terms used in this part have the meanings given them in this subpart.

A. Aggregate. "Aggregate" means the natural sands, gravels, and crushed stones used for mixing with cementing material in making mortars and cements.

B. Corrosive agent or substance. "Corrosive agent or substance" means any agent or substance with a pH factor of ten or greater or four or less.

C. Hopper. "Hopper" means a metal structure designed for storing and dispensing materials with a capacity of one ton or greater and shaped to allow stored materials to flow from it.

Subp. 2. Structural evaluation. The structure of all hoppers which are used to hold aggregate for any period of time shall be evaluated according to the schedule set out in subpart 3 of this part if employees have access to the area beneath the hopper or the area surrounding the hopper which is equal to the height of the hopper measured from the ground or floor to the hopper's highest point. The structural evaluation shall be conducted by a person qualified to conduct such evaluations pursuant to subpart 7.

Subp. 3. Inspection schedule.

A. All hoppers which must be structurally evaluated pursuant to subpart 2 of this part shall be visually evaluated every 12 months.

B. All hoppers which must be structurally evaluated pursuant to subpart 2 of this part which have had corrosive agents or substances used within the system at any time shall be metallurgically evaluated every 36 months.

C. All hoppers which must be structurally evaluated pursuant to subpart 2 of this part which have not had any corrosive agents or substances used within the system at any time shall be metallurgically evaluated ten years after their construction or manufacture and every five years thereafter.

D. All hoppers which have been modified, altered or repaired must be structurally evaluated pursuant to subpart 2 of this part prior to returning the hopper to service when such modifications, alterations, or repairs affect the designed safety factor or load capacity of the hopper. This includes, but is not limited to, relining of the hopper.

Subp. 4. Documentation. All structural evaluations required by this part shall be documented and required documentation shall be retained at the facility where the hopper is located for the life of the hopper and shall be made available upon request to representatives of the Occupational Safety and Health Division. Documentation of the structural evaluations shall include:

- A. the dates on which structural evaluations were conducted;
- B. the names, addresses and employers of persons conducting the structural evaluations;
- C. the means used to structurally evaluate the hoppers;
- D. the findings of the structural evaluations;
- E. the deficiencies noted as a result of the structural evaluations; and
- F. the dates on which recommended repairs were completed.

Subp. 5. Repair schedule. If deficiencies found during a structural evaluation do not compromise the designed safety factor or load capacity of the hopper, all repairs, shall be made within the minimum amount of time necessary to complete repairs. If deficiencies found during the structural evaluation do compromise the designed safety factor or load capacity, the hopper shall be emptied and removed from service until all repairs are completed.

Subp. 6. Means of evaluation. All structural evaluations conducted pursuant to this part shall include visual and metallurgic evaluations which are capable of determining that erosion and corrosion do not exceed $\frac{1}{16}$ of the original material thickness and that stress, fatigue, damage, repairs, or alterations have not compromised the designed safety factor or the load capacity.

Subp. 7. Qualified person. A person is qualified to conduct structural evaluations pursuant to this part if through education, training, or experience, they are capable of determining, through visual and metallurgic evaluations, that erosion, corrosion, stress, fatigue, damage, repairs, or alterations have not compromised the design safety factor or the load capacity.

The standard, as revised, applies only to hoppers with a capacity of one ton or greater that are used to hold aggregate for any period of time. The definitions for "aggregate" and "hopper" are taken from the *McGraw-Hill Dictionary of Scientific and Technical Terms, Third Edition*. These definitions, more clearly reflect the type and size of hopper that is intended to be covered by this standard. The added definition for "corrosive agent or substance" will help in determining which inspection schedule applies.

The inspection schedule has been modified to require a visual inspection every 12 months for hoppers covered by this standard. The revised structural evaluation schedule requires metallurgical evaluations every three years when corrosive agents or substances have been used within the hopper system. If the system has not used corrosive agents or substances, a metallurgical evaluation is required ten years after the hopper is constructed or manufactured and every five years thereafter. In addition, any hopper that is modified, altered or repaired in such a manner that the safety factor or load capacity of the hopper is affected, must be structurally evaluated prior to being put back into service. This is intended to assure that defective hoppers remain out-of-service until necessary repairs have been completed. The removal of references to "maintenance" eliminates the concerns of several commenters that routine maintenance would require a structural evaluation before a hopper could be put back into service.

This revised proposal is now open for comments. All persons have 30 days in which to submit comments in support of, or in opposition to, the revised proposal or any part or subpart of the rule. Comments are encouraged. Each comment must identify the portion of the proposed rule addressed, the reasons for the comment, and any change proposed.

Any interested or affected person may make a written request for a public hearing on the rule within the 30-day comment period. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed.

Written comments, objections, or requests for hearing should be submitted to: Patricia Lorentz, Occupational Safety and Health Division, Department of Labor and Industry, 443 Lafayette Road, St. Paul, Minnesota 55155.

Ken Peterson, Commissioner
Department of Labor and Industry

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Proposed Rules

Board of Technical Colleges

Correction to Proposed Permanent Rules Relating to Education, Technical Colleges; Teacher License; Turf and Landscape/Irrigation and Drainage

The deadline was incorrectly listed in the December 10, 1990 *State Register*, Volume 15, Number 24, page 1353, as 4:30 p.m., Friday, January 1, 1991, for persons to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. The correct date is 4:30 p.m., Friday, January 11, 1991.

Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

Board of Electricity

Adopted Repeal of Permanent Rules Relating to Duplicate Rules

The rule proposed and published at *State Register*, Volume 15, Number 14, pages 824, October 1, 1990 (15 SR 824) is adopted as proposed.

Department of Health

Adopted Permanent Rules Governing Limited Dewatering and Sealing Licenses; Construction Permits

The rules proposed and published at *State Register*, Volume 15, Number 15, pages 879-883, October 8, 1990 (15 SR 879) are adopted as proposed.

Higher Education Coordinating Board

Adopted Emergency Rules Relating to Public Safety Officer's Survivor Grant Program

The rules proposed and published at *State Register*, Volume 15, Number 14, pages 846-847, October 1, 1990 (15 SR 846) are adopted as proposed.

Higher Education Coordinating Board

Adopted Emergency Rules Relating to Prenursing Grant Program

The rules proposed and published at *State Register*, Volume 15, Number 14, pages 847-849, October 1, 1990 (15 SR 847) are adopted as proposed.

Department of Public Safety

Adopted Permanent Rules Relating to Fees for Emergency Response Commission

The rules proposed and published at *State Register*, Volume 15, Number 10, pages 564-568, September 4, 1990 (15 SR 564) are adopted as proposed.

Withdrawn Rules

Board of Chiropractic Examiners

Notice of Withdrawal of Proposed Rules in the Matter of the Proposed Adoption of Rules of the Minnesota Board of Chiropractic Examiners Governing Graduate Preceptorship Program

NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes*, section 14.05, subdivision 3, the Minnesota Board of Chiropractic Examiners withdraws the above-entitled rules proposed and published in *State Register*, Volume 15, Number 10, pages 551 to 554, September 4, 1990 (15 S.R. 551).

Joel B. Wulff, DC
MBCE Executive Director

Commissioners' Orders

Department of Natural Resources

Commissioner's Order No. 2400: Special Regulations for Trout; Superseding Commissioner's Orders Nos. 2206, 2207, 2172, and 2293

PURSUANT TO AUTHORITY vested in me by *Minnesota Statutes* §§ 97A.045, 97C.395, 97C.401 and other applicable law, I, Joseph N. Alexander, Commissioner of Natural Resources, hereby prescribe the following special regulations.

Section 1. The following described designated trout streams are open to angling during a winter trout season from January 1 through March 31 annually, both dates inclusive.

(a) **Middle Branch Whitewater River**, T.107, R.10, S.9,16,17,20, Winona County from the upstream side of State Highway 74 bridge in the SW 1/4 SE 1/4, S.9 upstream approximately 2.9 miles to the confluence with Trout Run, SE 1/4 SE 1/4, S.20.

(b) **South Branch Whitewater River**, T.107, R.10, S.3,10,11,14, Winona County from the confluence with the Whitewater River in the SW 1/4 SE 1/4, S.3 upstream approximately 2.0 miles to the downstream side of Winona County Highway 37 bridge in the NW 1/4 NE 1/4, S.14.

(c) **Beaver Creek**, T.108, R.10, S.19,20,21, Winona County and T.108, R.11, S.24, Wabasha County from the Whitewater Wildlife Management Area Sanctuary boundary at the north section line of S.21 of T.108, R.10 upstream approximately 3.9 miles to the source in the NE 1/4 NW 1/4, S.24 of T.108, R.11.

(d) **Hay Creek**, T.112, R.15, S.23,24,26,27, Goodhue County from the point where Hay Creek crosses the SW 1/4 SE 1/4 section line of S.24 upstream approximately 3.9 miles to the posted boundary in the SW 1/4 SE 1/4, S.27.

Sec. 2. On the above-described waters the following special regulations shall apply during the dates prescribed in Section 1.

(a) Only artificial lures and flies may be used while angling.

(b) All trout caught must be immediately returned to the water.

Sec. 3. No person shall be in possession of bait other than artificial lures and flies nor be in possession of any trout while angling during the dates prescribed in Section 1.

Sec. 4. The following special regulations for angling of trout during the summer stream trout angling season shall apply only to:

(a) **Middle Branch Whitewater River**, T.107, R.11, S.35 and T.106, R.11, S.2,3,10, Olmsted County from the posted boundary at the point where a tributary enters the stream from the west in the NW 1/4 NE 1/4, S.35 of T.107, R.11 upstream approximately 3.3 miles to the source in the SW 1/4 NE 1/4, S.10 of T.106, R.11;

(b) **Hay Creek**, T.112, R.15, S.23,24,26,27, Goodhue County from the posted boundary at the point where Hay Creek crosses the SW 1/4 SE 1/4 section line of S.24 upstream approximately 3.9 miles to the posted boundary in the SW 1/4 SE 1/4, S.27.

Sec. 5. On the above-described section of the Middle Branch Whitewater River and Hay Creek, the following special regulations shall apply.

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Commissioners' Orders

(a) Only artificial lures and flies may be used while angling.

(b) All trout caught must be immediately returned to the water.

Sec. 6. No person shall be in possession of bait other than artificial lures and flies nor be in possession of any trout while angling in the above-described sections of the Middle Branch Whitewater River and Hay Creek.

Sec. 7. The following special regulations for the taking and possession of trout during the summer stream trout angling season shall apply only to the Main Branch Whitewater River, Winona County, T.108, R.10, S.10,11,14,15, from the point where the Whitewater River crosses the north section line of S.11 (northern boundary of the Whitewater Wildlife Management Area Refuge boundary) upstream approximately 3.1 miles to the downstream side of the Winona County State Aid Highway 30 bridge.

Sec. 8. On the above-described section of the Main Branch Whitewater River, the following special regulations shall apply.

(a) Only artificial lures and flies may be used while angling.

(b) The daily and possession limit of trout is five (5).

(c) Any trout over 10 inches in total length caught must be immediately returned to the water, except that one trout 18 inches or larger may be kept.

Sec. 9. No person shall be in possession of bait other than artificial lures and flies nor be in possession of any trout over 10 inches (except as described in Sec. 8(c)) while angling in the above-described section of the Main Branch Whitewater River.

Sec. 10. The following special regulations for the taking and possession of trout during the summer stream trout angling season shall apply only to the South Branch Whitewater River, Winona County, T.107, R.10, S.13,14,24, from the upstream side of the abandoned bridge on County Road 112 in the SE 1/4 NE 1/4, S.14 upstream approximately 1.0 mile to the posted boundary in the NE 1/4 NW 1/4, S.24.

Sec. 11. On the above-described section of South Branch Whitewater River, the following special regulations shall apply.

(a) Only artificial lures and flies may be used while angling.

(b) The daily and possession limit of trout is five (5).

(c) Any trout over 10 inches in total length must be immediately returned to the water.

Sec. 12. No person shall be in possession of bait other than artificial lures and flies nor be in possession of any trout over 10 inches in total length while angling in the above-described section of the South Branch Whitewater River.

Sec. 13. The provisions of this order shall not be construed to supersede the provisions of any other order of the commissioner, except insofar as such other orders may be inconsistent with the provisions of this order.

Sec. 14. Commissioner's Orders Nos. 2206, 2207, 2172, and 2293 are hereby superseded.

Dated at St. Paul, Minnesota, this 7th day of December, 1990.

Joseph N. Alexander, Commissioner
Department of Natural Resources

Department of Transportation

Amended Order No. 76042 and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed under *Minnesota Statutes* § 169.825

Whereas, the Commissioner of Transportation has made his Order No. 72156, dated April 8, 1987, which order has been amended by Order No's. 73139, 74653, 74846, 75024, 75110, 75193, 75314, 75451, 76384, 76518, and 76589 designating and permitting certain street and highway routes, or segments of those routes, to carry the gross weights allowed under *Minnesota Statutes* § 169.825, and

Whereas, the Commissioner has determined that the additional following routes, or segment of routes, should be designated to carry the gross weights allowed under *Minnesota Statutes* § 169.825.

IT IS HEREBY ORDERED that the Commissioner of Transportation Order No. 72156 is further amended this date by adding the following designated streets and highway routes, or segment of routes, as follows:

COUNTY ROADS**NOBLES COUNTY**

- C.S.A.H. 3 from County Road 51 to C.S.A.H. 21, (12 MONTH).
- C.S.A.H. 21 from C.S.A.H. 3 to T.H. 264, (12 MONTH).

Dated this 14th day of December, 1990

Leonard W. Levine
Commissioner

Official Notices

Pursuant to the provisions of Minnesota Statutes § 14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Board of Assessors**Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing the Licensure, Education and Conduct of Assessors**

NOTICE IS HEREBY GIVEN that the Board of Assessors is seeking information or opinions from sources outside the agency in preparing to propose amendments to the existing rules governing the licensure, education and conduct of assessors. The adoption of the rule is authorized by *Minnesota Statutes*, section 270.41(c), and 270.47, which permit the agency to adopt all rules necessary to accomplish the licensing and education of assessors and specifically to establish the grounds for refusing to grant, renew, suspend or revoke an assessor's license.

The Board of Assessors requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Gerald D. Garski
Minnesota Department of Revenue
Board of Assessors
Mail Station 3340
St. Paul, Minnesota 55146-3340

Oral statements will be received during regular business hours over the telephone at (612) 296-0209 and in person at:

Department of Revenue
Local Government Services Division
10 River Park Plaza
St. Paul, Minnesota 55146

All statements of information and opinions shall be accepted until January 31, 1991. Any written information received by the Board of Assessors shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Gerald D. Garski, Secretary
Board of Assessors

Department of Health**Notice of Completed Application and Notice of and Order for Hearing Before the Commissioner of Health in the Matter of the License Application of Fosston Hospital Association, Fosston, Minnesota**

PLEASE TAKE NOTICE that the Commissioner of Health (hereinafter "Commissioner") has received a completed application

Official Notices

from Fosston Hospital Association, Fosston, Minnesota for a permanent license to operate a basic ambulance service in Fosston, Minnesota.

IT IS HEREBY ORDERED AND NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes* §§ 14.57 to 14.69 and 1440.802 a public hearing will be held on January 30, 1991 at Fosston Hospital Association-Cafeteria, Fosston, Minnesota, commencing at 7:00 p.m. If you have an interest in this matter you are hereby urged to attend the public hearing. Failure to do so may prejudice your rights in this and any subsequent proceedings in this matter.

1. The purpose of the hearing is to determine whether the application for licensure from this ambulance service should be granted based upon the criteria set out at *Minnesota Statute* §§ 144.802, subd. 3(g).

2. This proceeding has been initiated pursuant to and will be controlled in all aspects by *Minnesota Statutes* §§ 144.801 to 144.8093, *Minnesota Statutes* §§ 14.57 to 14.69, and Rules for Contested Cases of the Office of Administrative Hearings, *Minnesota Rules* 1400.5100-1400.8402. Copies of the rules and statutes may be obtained for a fee from the Department of Administration, Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, telephone: (612) 297-3000.

3. Barbara L. Nielson, Office of Administrative Hearings, 500 Flour Exchange, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone: (612) 341-7604, will preside as administrative law judge at the hearing, and will make a written recommendation on this application. After the hearing, the record and the administrative law judge's recommendation will be forwarded to the Commissioner to make the final determination in the matter.

4. Any person wishing to intervene as a party must submit a petition to do so under *Minnesota Rules* pt. 1400.6200 on or before January 14th, 1991. This petition must be submitted to the administrative law judge and shall be served upon all existing parties and the Commissioner. The petition must show how the contested case affects the petitioner's legal rights, duties or privileges and shall state the grounds and purposes for which intervention is sought and indicate petitioner's statutory right to intervene if one exists.

5. In addition to or in place of participating at the hearing any person may also submit written recommendations for the disposition of the application. These recommendations must be mailed to the administrative law judge on or before January 21, 1991.

6. Any subpoena needed to compel the attendance of witnesses or the production of documents may be obtained pursuant to *Minnesota Rules* pt. 1400.7000.

7. At the hearing the applicant will present its evidence showing that a license should be granted and that all persons will be given an opportunity to cross-examine witnesses, to be heard orally, to present witnesses, and to submit written data or statements. All persons are encouraged to participate in the hearing and are requested to bring to the hearing all documents, records, and witnesses needed to support their position. It is not necessary to intervene as a party in order to participate in the hearing.

8. Please be advised that if non public data is admitted into evidence, it may become public data unless an objection is made and relief is requested under *Minnesota Statute* §§ 14.60, subd. 2.

9. You are hereby informed that you may choose to be represented by an attorney in these proceedings, may represent yourself, or be represented by a person of your choice if not otherwise prohibited as the unauthorized practice of law.

10. A Notice of Appearance must be filed with the administrative law judge identified above within 20 days following receipt of the Notice by any person intending to appear at the hearing as a party.

11. In accordance with the provisions of *Minnesota Statute* §§ 14.61, the final decision of the Commissioner in this proceeding will not be made until the Report of the Administrative Law Judge has been made available to the parties in this proceeding for at least 10 days. Any party adversely affected by the Report of the Administrative Law Judge has the right to file exceptions and present arguments to the Commissioner. Any exceptions or arguments must be submitted in writing and filed with the Commissioner of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440, within 10 days of the receipt of the Administrative Law Judge's Report.

Department of Health

Notice of Intent to Solicit Outside Opinion Regarding Proposed Revisions to *Minnesota Rules*, Chapter 4690, Regulating Ambulance Services

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health is seeking information or opinions from sources outside the agency in preparation to amend *Minnesota Rules*, Chapter 4690, which governs the licensing, operation and staffing of Minnesota ambulance services. The promulgation of these rule revisions is authorized by *Minnesota Statute* section 144.084, subdivision 3.

The proposed revisions contain technical as well as substantive changes. General areas of the affected rules include: definitions, types of licensed ambulance service and the operation of these services, primary service area designations, training programs for

emergency medical technicians (basic, intermediate, and paramedic), continuing education requirements, enforcement provisions, waivers and variances. Other areas may be amended as the proposals are finalized.

Any person who would like a copy of the revisions to *Minnesota Rules*, Chapter 4690 currently under consideration should submit a request to Wayne Arrowood at the address listed below. All interested or affected parties are requested to submit information or comment regarding the proposals. Statements of information and comment may be made orally or in writing (preferred) until February 28, 1991. Oral statements will be received during regular business hours over the telephone at 1-800-747-2011 (Greater Minnesota) or 612-623-5482 (Metro) and in person at the address listed below. Written statements of information and comment must be addressed to:

Wayne Arrowood, Assistant Chief
Emergency Medical Services Section
Minnesota Department of Health
717 Delaware Street South East
Box 9441
Minneapolis, Minnesota 55440

Any written material received by the Department of Health shall become part of the record to be submitted to the Attorney General or administrative law judge in the event that the proposed rule amendments are adopted.

Dated: 19 December 1990

Sister Mary Madonna Ashton
Commissioner of Health

Minnesota State Law Library

Notice of Law Library Filing Fees

Pursuant to *Minnesota Statutes* 140.422, the following law library fees are published. Civil fees include probate matters. Criminal conviction includes felonies, gross misdemeanors, and misdemeanors.

| COUNTY | CIVIL | CONCILIATION | CRIMINAL CONVICTION | PETTY MISDEMEANOR | NOTES: |
|----------|-------|--------------|------------------------|----------------------|------------------|
| Lincoln | 5 | 5 | 5 | 5 | Effective 1-1-91 |
| Lyon | 5 | 5 | 5 | 5 | Effective 1-1-91 |
| Mower | 10 | 10 | 10 | 5 | Effective 8-1-90 |
| Nicollet | 5 | 5 | 5 | 5 | Effective 7-1-90 |

Metropolitan Council

Notice of Public Hearing on the Proposed New Policy Plan for Regional Recreation Open Space

The Metropolitan Council's Metropolitan Systems Committee will hold a public hearing on a proposed new Recreation Open Space Development Guide/Policy Plan, which is intended to replace the current Regional Recreation Open Space Plan, adopted Nov. 21, 1985. The adopted policy plan will be used to: establish project priorities and award acquisition and development grants for regional park funds; review local comprehensive plans, metropolitan commission plans, metropolitan significance matters, environmental assessments and impact statements, and other matters referred to the Council; prepare and amend other Council policy plans, development guide chapters, positions papers and the Metropolitan Development and Investment Framework; and work with the designated implementing agencies in a partnership arrangement to carry out the acquisition, development, operation and maintenance of the regional recreation open space system. The Public hearing will be on Tuesday, Jan. 22, 1991, at 11 a.m. in the Council Chambers, Mears Park Centre, 230 East Fifth Street, St. Paul. All interested people are encouraged to attend the hearing and offer comments. People may register in advance to speak by calling Jane Larson at 291-6320. Written comments may be submitted by Feb. 5, 1991, to Edward Maranda, Metropolitan Council, Mears Park Centre, 230 East Fifth Street, St. Paul, MN 55101. A copy of the proposed Recreation Open Space Development Guide/Policy Plan public hearing document (November 1990, Publication No. 580-90-160) is available from the Council's Data Center by calling 291-8140. A copy of the Metropolitan Parks and Open Space Commission's comments on the proposed plan will also be available from the Data Center.

Office of the Secretary of State

Notice of Vacancies in Multi-Member Agencies

NOTICE IS HEREBY GIVEN to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, St. Paul, MN 55155-1299; (612) 297-5845, or in person at Room 174 of the State Office Building. More specific information about these vacancies may be obtained from the agencies listed below. The application deadline is January 15, 1991.

Advisory Council on Battered Women

Dept. of Corrections, 300 Bigelow Bldg., 450 N. Syndicate Ave., St. Paul 55104. 612-642-0253
Minnesota Statutes 611A.32

APPOINTING AUTHORITY: Commissioner of Corrections. **COMPENSATION:** Reimbursed for expenses.

VACANCY: Nine members: representatives from minority communities and persons with personal experience will be given priority. Representatives from both metro and non-metro areas are needed.

The council advises the Department of Corrections on funding for emergency shelters and programs for battered women. The council consists of eighteen members including persons knowledgeable in the fields of health, law enforcement, social services to battered women, and four public members. Monthly meetings.

Elementary-Secondary-Vocational (ESV) Computer Council

Board of Education, Capitol Square Bldg., 550 Cedar St., St. Paul 55101. 612-297-3752
Minnesota Statutes 121.934

APPOINTING AUTHORITY: Governor. **COMPENSATION:** None.

VACANCY: One member: must be in a public sector management position, in the area of data processing if possible. The person vacating the position is from Congressional District One.

The council advises and assists the Board of Education in the development of plans and standards for ESV-IS (elementary, secondary, and vocational education) and SDE-IS (State Department of Education) information systems. Fourteen members include one administrator from a rural school district, one administrator from an urban school district, one school board member from an urban district, one school board member from a rural district, one teacher from a rural school district, one teacher from a urban school district; three private sector managers of whom at least two are data processing managers; three public sector managers of whom at least two are data processing managers; one person representing post-secondary vocational technical education, and one person from the Department of Education. Public and private sector managers shall not be employees or board members of school districts or the Department of Education. The Council should include at least one resident of each congressional district.

Advisory Council on Plumbing Code and Examinations

717 Delaware St. S.E., Mpls. 55440. 612-627-5117
Minnesota Statutes 326.41

APPOINTING AUTHORITY: Commissioner of Health. **COMPENSATION:** \$55 per diem plus expenses.

VACANCY: One public member.

The council examines and licenses plumbers, recommends revisions to the plumbing code and licensing rules, and reviews new materials and methods. The council consists of seven members, including one journeyman plumber, one master plumber, and one representative of the commissioner of Health. Quarterly meetings.

Social Work Licensing Board

2700 University Ave. W. #225, St. Paul 55114. 612-643-2580
Minnesota Statutes 148B.19

APPOINTING AUTHORITY: Governor. **COMPENSATION:** \$55 per diem plus expenses.

VACANCY: One public member.

The board adopts and enforces rules for licensure of social workers and for regulation of their professional conduct. The board consists of ten members including six licensed social workers (two licensed independent clinical social workers, two licensed independent social workers, and two licensed social workers); three public members as defined in *Minnesota Statutes* 214.02; and one school social worker licensed by the Board of Teaching. The social workers shall represent the following employment settings: two shall represent public agencies, two shall represent private agencies, one shall be in private practice, and one shall be an educator engaged in regular teaching duties at an accredited program of social work. In addition, at least two members shall be persons of color, and at least four members shall reside outside the seven-county metropolitan area. Members must file with the Ethical Practices Board.

Environmental Trust Fund Citizens' Advisory Committee

65 State Office Bldg., St. Paul 55155. 612-296-0059

Minnesota Statutes 116P.06

APPOINTING AUTHORITY: Governor, with advise and consent of senate. COMPENSATION: \$55 per diem plus expenses.

VACANCY: One citizen member to be appointed by the Governor.

The committee advises the Legislative Commission on Minnesota Resources on planning for expenditures from the Environment and Natural Resources Trust Fund. The committee consists of fourteen citizen members, including twelve members appointed by the governor (at least one from each congressional district) and one member appointed by the speaker of the house and one member appointed by the senate majority leader. Initial appointments were not made under the Open Appointments process. Meetings held as needed.

Board of Water and Soil Resources

155 S. Wabasha, Suite 104, St. Paul 55107. 612-296-3767

Minnesota Statutes 110B.35

APPOINTING AUTHORITY: Governor. Senate confirmation. COMPENSATION: \$55 per diem plus expenses.

VACANCY: One member: must be a Soil and Water Conservation District Supervisor.

The board coordinates the water and soil resources management activities of local units of government through educational activities, approval of local plans, administration of state grants and cost-sharing contracts. Twelve members include three county commissioners, three soil and water conservation district supervisors, three watershed district or watershed management organization representatives, and three unaffiliated citizens. One member must come from each of the current soil and water conservation administrative regions throughout the state. At least three but no more than five members must come from the seven-county metropolitan area. All members must be knowledgeable of soil and water problems. Members must file with the Ethical Practices Board. Monthly meetings.

Department of Trade and Economic Development

Job Skills Partnership Board

Rescheduled Meeting

The Monday, February 18, 1991 meeting of the Minnesota Job Skills Partnership Board has been rescheduled to Tuesday, February 19, 1991. The Minnesota Job Skills Partnership Board solicits grant proposals from educational and other non-profit organizations for customized training programs designed for specific businesses. To receive consideration at the February 19 meeting, proposals must be submitted by January 22, 1991. For additional information, call 612/296-0388.

A Wise Investment—the rules of the game

Securities Laws, 1989. Governs the activities of broker/dealers, agents and investment advisors. *Minnesota Statutes* Chapter 80A. CCode #2-12, \$7.00 plus tax.

Securities Rules, 1988. Rules implementing the legislative mandate. Subjects include equity securities and investment companies. *Minnesota Rules* Chapter 2875. Code #3-5, \$14.00 plus tax.

Minnesota Guidebook to State Agency Services, 1987-1990. Packed with information to help you, this 640-page resource guides you through license requirements, forms, fees, reports, services, grants, and more. Its listing of addresses, phones, and agency descriptions cut red tape for easy and fast service from state agencies. Code #1-4, \$15.00 plus tax.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. *Prices are subject to change.* FAX: (612) 296-2265.



Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. § 14.10, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Commodities contracts with an estimated value of \$15,000 or more are listed under the Materials Management Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

Awards of contracts and advertised bids for commodities and printing, as well as awards of professional, technical and consulting contracts, appear in the midweek STATE REGISTER Contracts Supplement, published every Thursday. Call (612) 296-0931 for subscription information.

Materials Management Division—Department of Administration:

Contracts and Requisitions Open for Bid

Call 296-2600 for information on a specific bid, or to request a specific bid.

Commodity: License plate steel—rebid
Contact: John Bauer 296-2621
Bid due date at 2pm: December 27
Agency: Public Safety Department
Deliver to: St. Cloud
Requisition #: 02700-11155

Commodity: Software—Pansophic
Contact: Joan Breisler 296-9071
Bid due date at 2pm: December 27
Agency: Community College Board
Deliver to: St. Paul
Requisition #: 27138-52281

Commodity: 386/25 computers
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: December 27
Agency: Human Services Department
Deliver to: St. Paul
Requisition #: 55000-13315

Commodity: Milk & dairy products
Contact: Linda Parkos 296-3725
Bid due date at 2pm: December 31
Agency: Human Services Regional Treatment Center
Deliver to: Fergus Falls
Requisition #: 55101-01191

Commodity: Lumber, posts and hardware
Contact: Pamela Anderson 296-1053
Bid due date at 4:30pm: December 31
Agency: Transportation Department
Deliver to: Various
Requisition #: 79050-26527

Commodity: Toro Groundsmaster mower
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: January 2
Agency: State University
Deliver to: St. Cloud
Requisition #: 26073-22291

Commodity: Total stations
Contact: John Bauer 296-2621
Bid due date at 2pm: January 2
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79000-12652

Commodity: Processor
Contact: Joan Breisler 296-9071
Bid due date at 4:30pm: January 2
Agency: State University
Deliver to: St. Cloud
Requisition #: 26073-22296-01

Commodity: Mower with cab and snowblower
Contact: Mary Jo Bruski 296-3772
Bid due date at 4:30pm: January 2
Agency: Academy for the Blind
Deliver to: Faribault
Requisition #: 32001-10743

Commodity: Arc/Info software & hardware
Contact: Bernadette Vogel 296-3778
Bid due date at 2pm: January 2
Agency: Bureau of Management
Deliver to: St. Paul
Requisition #: 29000-55583

Commodity: CCTV and miscellaneous
Contact: Pamela Anderson 296-1053
Bid due date at 2pm: January 2
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79000-12564

Commodity: Audio video equipment miscellaneous
Contact: Pamela Anderson 296-1053
Bid due date at 2pm: January 2
Agency: State University
Deliver to: St. Cloud
Requisition #: 26073-22324

Commodity: Video production system
Contact: Pamela Anderson 296-1053
Bid due date at 2pm: January 2
Agency: State University
Deliver to: St. Cloud
Requisition #: 26073-22418

Commodity: Die cutting & creasing machines
Contact: John Bauer 296-2621
Bid due date at 2pm: January 2
Agency: Corrections Department
Deliver to: Oak Park Heights
Requisition #: 78630-09943

Commodity: Mainframe Weld/Computer
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: January 4
Agency: State University
Deliver to: St. Cloud
Requisition #: 26073-22255

Commodity: Lumber for cold storage building—rebid
Contact: Pamela Anderson 296-1053
Bid due date at 2pm: January 4
Agency: Transportation Department
Deliver to: Brainerd
Requisition #: 79050-26525

Commodity: Upgrade test system
Contact: Pamela Anderson 296-1053
Bid due date at 2pm: January 4
Agency: Transportation Department
Deliver to: Maplewood
Requisition #: 79000-12557

Commodity: Safety vests
Contact: Norma Cameron 296-3779
Bid due date at 2pm: January 9
Agency: Transportation Department
Deliver to: Various
Requisition #: Price contract

Commodity: EDI translator software
Contact: Don Olson 296-3771
Bid due date at 2pm: January 11
Agency: Administration Department
Deliver to: St. Paul
Requisition #: Price contract

Commodity: Safety flags
Contact: Norma Cameron 296-2546
Bid due date at 2pm: January 1991
Agency: Transportation
Deliver to: Various
Requisition #: Price Contract

Commodity: Northgate 386 computers
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: December 28
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: 26073-22338

Commodity: Copier
Contact: John Bauer 296-2621
Bid due date at 4:30pm: January 3, 1991
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: 26073-22439

Commodity: Ellipsometer system
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: January 3, 1991
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: 26073-22390

Commodity: HP analyzer
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: December 28
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: 26073-22414

Commodity: Zeiss microscope accessories
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: January 3, 1991
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: 26073-22403

Commodity: Biomechanics force platform
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: January 3, 1991
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: 26073-22356

Commodity: Intel aboveboard
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: January 3, 1991
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: 26073-22345

Commodity: HP protocol analyzers
Contact: Bernadette Vogel 296-3778
Bid due date at 2pm: January 3, 1991
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: 26073-22276

Commodity: Gateway 2000 computer
Contact: Bernadette Vogel 296-3778
Bid due date at 2pm: January 3, 1991
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: 26073-22309

Commodity: Northgate slimline—no subs
Contact: Bernadette Vogel 296-3778
Bid due date at 2pm: January 3, 1991
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: 26073-22315

Commodity: NCD color display
Contact: Bernadette Vogel 296-3778
Bid due date at 2pm: January 3, 1991
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: 26073-22339

Commodity: Shelving
Contact: John Bauer 296-2621
Bid due date at 2pm: January 3, 1991
Agency: Corrections
Deliver to: Faribault
Requisition #: 78790-01570

State Contracts and Advertised Bids

Department of Administration: Print Communications Division

Printing vendors for the following printing contracts must review contract specifications in printing buyers office at 117 University Avenue, Room 134-B, St. Paul, MN.

Printing vendors NOTE: Other printing contracts can be found in the Materials Management Division listing above, and in the Professional, Technical & Consulting Contracts section immediately following this section.

Commodity: Envelopes: grand prize entry (6,000M, 3½"x5½") and retailer drawing (90M, 3⅝"x6½"), both open side with double seal, gummed flap, glue false bottoms

Contact: Printing Buyer's Office

Bids are due: December 27

Agency: Minnesota State Lottery

Deliver to: Roseville

Requisition #: 13357 and 13358

Commodity: Minnesota Legislative Manual, 528-page books, 6"x9", camera ready, 1-color text, perfect bind, 2 versions: softcover 11M; hardcover 4M

Contact: Printing Buyer's Office

Bids are due: December 27

Agency: Secretary of State

Deliver to: St. Paul

Requisition #: 13425

Commodity: Commercial Driver's Manual, 100M, 100-pages + cover, 11"x8½" folded to 5½"x8½", saddle stitch, camera ready

Contact: Printing Buyer's Office

Bids are due: January 2

Agency: Public Safety Department

Deliver to: St. Paul

Requisition #: 13454

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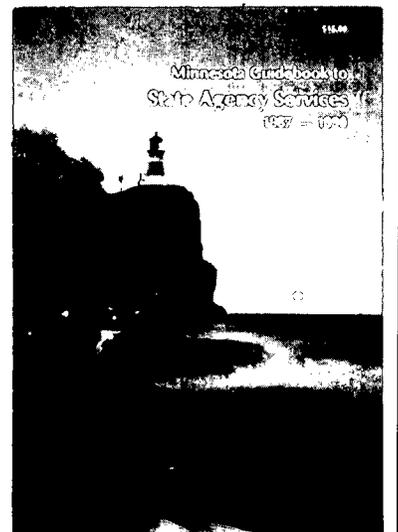
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Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Department of Administration

InterTechnologies Group

STARS Project

Request for Proposals for the Provision of Leased Network Services for the STARS Network

Estimated Amount of contract: \$ value unknown.

Issuing Date of the RFP: December 14, 1990 2:00 p.m.

Due Date for Proposals: April 22, 1991 by 3:00 p.m. Central Standard Time.

Primary Contact: Patricia Anderson, Materials Management, (612) 296-3770, FAX number is (612) 297-3996.

Obtaining A Copy of the RFP: Copies are available for pickup at: State of Minnesota, Materials Management Division, Contracts & Technical Services, 112 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155.

Given the large size of the RFP, copies of the RFP will not be mailed out unless a written request has been received by US Mail or Fax to Patricia Anderson at the above address. Please include the vendor name, complete address, contact person's name and valid Federal Express or other carrier account number against which the shipping cost may be charged.

Purpose of the RFP: The Department of Administration in conjunction with the Higher Education Advisory Council is planning the STARS integrated statewide telecommunications network. The State seeks to contract with a single entity who shall design, acquire and manage an intercity private line telephone network capable of carrying voice, data, and video signals for the State and its agencies, political subdivisions and educational institutions. The RFP defines the State's needs and fundamental network requirements.

Background: The Minnesota State Telecommunications Access and Routing System (STARS) is planned as an integrated communications network for use by State government agencies, educational institutions, local government, the courts and others. The objectives of STARS are to:

- integrate existing communications networks, reduce cost and improve service.
- expand educational opportunities by providing video connectivity between existing video clusters.
- enhance the management and control of network resources.
- provide a network platform that can incorporate new technologies and support delivery of new or enhanced services as the users dictate.
- encourage the deployment of network infrastructure within the state for serving the citizens of Minnesota by providing easier access to existing and future information services.

State Board of Investment

Request for Interested Private Money Management Firms to Manage a Portion of Pension Assets

The Minnesota Board of Investment (SBI) retains private money management firms to manage a portion of the pension assets and other accounts under its control. Firms interested in managing either equity or fixed income assets for the SBI are asked to contact the following address for additional information:

Douglas Gorence, Manager
External Investment Program
Minnesota State Board of Investment
Room 105—MEA Building
55 Sherburne Avenue
St. Paul, Minnesota 55155

Professional, Technical & Consulting Contracts

Department of Natural Resources

Request for Proposals for Architectural Services

The Department of Natural Resources, Bureau of Engineering requests proposals from interested Architectural firms, on or before January 11, 1991, for:

Project: Site Development and Office Building
Cambridge Area Headquarters
Cambridge, MN

Budget: \$330,000

Estimated Fees: \$32-36,000

Contact: Charles French, Supervising Architect
MN/DNR Bureau of Engineering
500 Lafayette Road
St. Paul, MN 55155-4029
Phone: (612) 296-0605

Department of Transportation

Request for Consultant Services for Soil Exploration Services Project

NOTICE TO CONTRACTORS—Sealed proposals will be received until 10:00 a.m. on January 14, 1991 by the Consultant Agreement Engineer for the State of Minnesota at Room 720S, State Transportation Building, St. Paul, Minnesota 55155 for the following described work:

Soil Exploration Services Project, (S.P. 3116-105), located from Coleraine to Pengilly, Mn. on T. H. 169 in Itasca County. The major items of work are in approximate quantities, Soil borings—12473 lineal feet, Laboratory AASHTO Classification Tests—200 samples, Thin wall samples with a consolidation test and a unconfined compression test for each sample—50 samples, Standard penetration tests with associated split tube samples and moisture content tests—20 locations, R—Value Tests—40 samples, Mobilization—Lump Sum, Traffic Control—Lump Sum.

Starting Date: January 28, 1991. Complete within 45 Working Days.

Proposal will be **opened and read publicly** by the Consultant Agreements Engineer immediately after the hour set for receiving the bids at Room G18 of State Transportation Building, John Ireland Blvd., St. Paul, MN.

Item: Plans and 1 Proposal

Counter Price: \$51.00

Item: Proposal

Counter Price: \$9.00

Please Note: Minnesota Sales Tax must be included on all counter purchases and on all orders shipped to points in Minnesota.

Counter purchases may be made between 7:30 a.m. and 4:00 p.m.

Proposals and Plans for the above described work may be examined and secured in Room B-9 of the Transportation Department Building, John Ireland Blvd., St. Paul, Minnesota 55155.

Requests for Proposals and plans must be submitted on company letterhead and must be accompanied by check, draft or money order payable to the Commissioner of Transportation.

Wage Rates: Read carefully the Minimum Wage provisions of Division I of the proposals as they affect these projects.

The State Transportation Department hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color or national origin in consideration for an award.

Notice to All Contractors:

If you are not a current holder of a compliance certificate issued by the state Human Rights Department and intend to bid on any of these jobs you must contact the Department of Human Rights immediately for assistance in obtaining a certificate.

Non-State Public Contracts

The following notice from the Minnesota Department of Human Rights applies to all contractors:

"It is hereby agreement between the parties that *Minnesota Statute*, section 363.073 and *Minnesota Rules* parts 5000.3400 to 5000.3600 are incorporated into any contract between these parties based upon this specification or any modification of it. A copy of *Minnesota Statute* 363.073 and *Minnesota Rules* part 5000.3400 to 5000.3600 is available upon request from the contracting agency."

"It is hereby agreed between the parties that this agency will require affirmative action requirements be met by contractors in relation to *Minnesota Statute* 363.073 and *Minnesota Rules* parts 5000.3600. Failure by a contractor to implement an affirmative action plan or make a good faith effort shall result in revocation of its certificate or revocation of this contract (*Minnesota Statutes* 363.073, Subd. 2 and 3)."

Bids must be accompanied by a certified check made payable to the Commissioner of Transportation or a corporate surety bond made in favor of the State of Minnesota in an amount designated on the back of the proposal form.

Gabriel S. Bodoczy
Consultant Agreement Engineer

Non-State Public Contracts

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

Metropolitan Council

Notice of Request for Proposals for Environmental Impact Statement for the Burnsville Sanitary Landfill Expansion

NOTICE IS HEREBY GIVEN that the Metropolitan Council is requesting proposals for consulting services to prepare an environmental impact statement (EIS) on the Burnsville Sanitary Landfill expansion.

Edward Kraemer and Sons, Inc. has proposed an expansion of the Burnsville Sanitary Landfill. This project falls under the mandatory EIS category, for which the Metropolitan Council is the Responsible Governmental Unit (RGU). The draft scoping document describes areas to be addressed in the EIS, including: project description; alternatives (other solid waste methods, facility design alternatives, locational alternatives, a no action alternative and need for the proposed expansion); environmental impacts (air quality, health and ecological risks, noise and surface and groundwater); land use and socio-economic impacts (land use planning, transportation, utilities, economics, employment, closure, financial assurance and sociological); and mitigation measures. Preparation of the EIS will commence in March 1991. A goal of 20 percent has been set for participation by targeted group businesses (TGB's) on this contract.

The proposal should be submitted in eight (8) copies and mailed or delivered to the Metropolitan Council, Mears Park Centre, 230 East 5th Street, St. Paul, Minnesota 55101, attention: Paul Smith, Solid Waste Division by no later than 4:00 p.m. on Jan. 25, 1991.

Consultants interested in preparing proposals are encouraged to attend a pre-bid conference meeting on Friday, January 4 from 9 to 11 a.m. in Room 2a at the Council offices. A bibliography on source materials available for the EIS will be distributed and Council staff will be available to answer questions at this meeting.

Copies of the RFP may be requested from Vivian Ramirez (612) 291-6468, Metropolitan Council, Mears Park Centre, 230 E. Fifth St., St. Paul, MN 55101. Questions should be directed to Paul Smith (612) 291-6408.

Metropolitan Council

Notice of Request for Qualifications for Land Use/Economic Development Consulting Services for the Metropolitan Council of the Twin Cities

NOTICE IS HEREBY GIVEN that the Metropolitan Council is requesting qualifications for technical and professional services in establishing policies for RE-USE of Minneapolis-St. Paul International Airport (MSP).

Non-State Public Contracts

Under the 1989 Metropolitan Airport Planning Act a dual-track planning strategy for the major airport is required. Track (A), assesses ways to enhance the existing airport (MSP); concurrently, Track (B) establishes the conceptual design and site location for a potential new replacement major airport. The 1989 Legislation also requires an assessment on reuse of the MSP site and that information will be used as input for a decision in 1996 on the major-airport option.

The purpose of this RFQ is to assess the capability of firms to conduct a multi-year study on the Reuse of MSP. The study will be conducted in two phases, Phase I (1991), and Phase II (1992). It is anticipated that each phase will be funded primarily by an FAA planning grant. RFQ respondents will be reviewed and a Request for Proposal (RFP) will then be sent to those firms shortlisted. Consultant selection for Phase I will occur in early 1991.

Phase I, involves primarily the identification, collection and assessment of secondary background information on existing/planned land use and land ownership, socio-economic characteristics, and political subdivision detail. Preliminary assessment of comparative development/redevelopment projects, with overview of economic, legal, planning, management, and political considerations involved. Preparation of a background report and a draft study design. Assist in the preparation and conduct of an issues and opportunities assessment and workshop on MSP reuse. Draft of initial policies on reuse.

Phase II, would involve identification of development scenarios, preparation of additional detailed data, comparative evaluation of development alternatives, assessing the socio-economic and environmental implications to local, state and federal governmental units, defining implementation measures and mechanisms and, preparation of final development policies.

The Phase I project will commence about June 1, 1991 and be completed by January 1, 1992. A disadvantaged business enterprise (DBE) participation goal has been set for this project.

Three copies of RFQ's must be received no later than 5 p.m. on January 12th, 1991, to the attention of Chauncey Case, Transportation Division, Metropolitan Council, Mears Park Centre, 230 East Fifth Street, St. Paul, Minnesota 55101. Inquiries should be directed to (612) 291-6342.

Metropolitan Waste Control Commission

Public Notice for Prequalification for Engineering Services

NOTICE IS HEREBY GIVEN that the Metropolitan Waste Control Commission is soliciting prequalifications for engineering services for the N-Viro Sludge Management Services Project, MWCC Project No. 875350. The project will include: (1) design of interim sludge processing facilities for an N-Viro (patented process) demonstration project at the Metropolitan Wastewater Treatment Plant in St. Paul; and (2) siting, permitting, and design of a permanent sludge processing facility, using the patented N-Viro process and serving the Southwest Metropolitan Area.

Firms interested in being considered for this project are invited to telephone or submit a letter requesting a Pre-Qualification Submittal package. All completed, Pre-Qualification Submittal packages must be submitted by January 7, 1991.

All inquiries and submittals are to be addressed to Mr. Harold P. Voth, Project Manager, Metropolitan Waste Control Commission, Mears Park Centre, 230 East Fifth Street, St. Paul, Minnesota 55101, (612) 229-2171.

By Order of the
Metropolitan Waste Control Commission
Mr. Gordon O. Voss
Chief Administrator

State Grants

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Education

Notice of Available Funding for Adult Education and Support Services for Eligible Legalized Aliens and Special Agricultural Workers

APPLICATIONS ARE BEING SOLICITED for State Legalization Impact Assistance Grants (SLIAG). Under the Immigration

Reform and Control Act (IRCA) of 1986 (PL 99-603). SLIAG provides funding (not to exceed \$500 per person) for adult education costs incurred under the Legalization/Amnesty Program. Funds are available to provide the following adult education services: English as a Second Language, Civics, citizenship preparation, basic skills, GED (General Educational Development) preparation and ancillary services (child care and transportation).

Eligible participants are 1) Eligible Legalized Aliens who have adjusted under IRCA, Section 245A, those who have resided unlawfully in the United States since prior to January 1, 1982 and 2) aliens adjusted under IRCA, Section 210, those who perform seasonal agricultural work. The priority group for services are the Eligible Legalized Aliens.

Eligible providers are local education agencies or other public or private non-profit agencies of demonstrated effectiveness including community-based organizations (CBO's).

Funding will be available from October 1, 1990 to September 30, 1991. Copies of the application packet may be obtained by writing to Diane Pecoraro of the Community and Adult Education Section of the Minnesota Department of Education, 904 Capitol Square, 550 Cedar Street, St. Paul, MN 55101. Applications must be submitted by **January 31, 1991**.

Department of Education

Indian Education Grants

The Request for Proposals (RFP's) for funding under the Indian Post-Secondary Preparation Program (*Minnesota Statutes* 124.481) will be mailed within 30 days of today's date. Following is the timeline established for applications and funding under this program:

- January 18, 1991 RFP mailing statement
- March 15, 1991 Applications DUE
- March 25-29, 1991 Proposals read, Committee meets
- April 8 & 9, 1991 Recommendations to State Board for discussion and final grant decisions
- April 30, 1991 Notices to Grantees

There will be no exceptions nor variances granted to this timeline. Applications must be postmarked no later than the due date listed above and must be received BEFORE the Committee meets. It will be the applicant's responsibility to ensure and confirm receipt of their proposal. The Department of Education and the State Board of Education maintain no responsibility for lost or delayed mail.

The State Board of Education will make grants to school districts for the project year 1991-92. Non-public educational organizations wishing to apply must seek the cooperation of a public school district through which to apply. The RFP will list complete application details.

RFPs will be mailed to all Minnesota Title V participants, previous recipients of state Indian education grants, and statewide tribal agencies and organizations. Interested educational programs who do not receive an RFP by the end of January should call the Minnesota Department of Education, Indian Education Section at 296-6458 to obtain an RFP packet.

Department of Education

Proposal Readers Wanted for Indian Education Grant Program

Readers are being sought to read proposals for the Fiscal Year 1992 **American Indian Language and Culture Education Program**.

NUMBER OF READERS SOUGHT: 6

TIME OBLIGATION: 2 Days (overnight included) plus travel time to St. Paul

COMPENSATION: \$150.00 per day, plus reimbursement for travel expenses

ELIGIBILITY/QUALIFICATIONS:

- Parents of children eligible to be enrolled in American Indian education programs
- American Indian language and culture education teachers and aides
- American Indian teachers and/or counselors
- Representatives from American Indian communities or Tribal bodies

State Grants

- Persons experienced in the training of teachers for American Indian education programs
- Persons involved in programs for American Indian children in American Indian schools
- Persons knowledgeable in the field of American Indian education
- Students enrolled in post-secondary education programs in American Indian education

*****ALL READERS SHOULD HAVE EXPERIENCE IN READING GRANT PROPOSALS*****

DUTIES: Readers will be given ½ day of in-service for instructions and orientation. They will have 1½ days to read approximately 20-25 proposals, each approximately 20 pages in length. They will evaluate each proposal against State Board of Education adopted **Selection Criteria** and rate each criterion by assigning points to each proposal.

HOW TO APPLY: Send letter stating interest to serve as a reader. Briefly describe your experience reading proposals or grant applications and/or your background in American Indian education programs. Include a current resume and daytime phone number.

Letter must be **received no later than January 8, 1991**. Decisions will be made within 48 hours of receipt of letters, therefore we will not be responsible for lost or delayed mail. Readers will be notified by phone by January 16, 1991. Proposal reading will take place the week of January 22, 1991 in St. Paul. Decisions will be final.

Send letters to:

David L. Beaulieu, Manager
Indian Education Section
Minnesota Department of Education
727 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
Office phone number: (612) 296-6458
FAX number: (612) 297-7201

Department of Human Services

Chemical Dependency Program Division

Notice of Intent to Identify the Need for a Competitive Bid Process on Existing Grants

The Chemical Dependency Program Division (CDPD) of the Department of Human Services is considering the continuation of a grant award in the area of prevention resources for Hispanic populations.

The CDPD will open this grant to competitive selection if requested to do so by a qualified potential vendor. The potential vendor must demonstrate its capability to deliver an equal or superior service at a comparable cost.

Potential vendors should submit a letter outlining their qualifications to provide the services described to Sharon Johnson, 444 Lafayette Road, St. Paul, MN 55155-3823 no later than close of business (4:20) Monday, January 7, 1991.

The current Hispanic grant with *Hispanos En Minnesota* is for approximately \$60,000. The purpose of this grant is to provide culturally specific education and prevention support to the Hispanic population. Activities include: a prevention program that addresses social and cultural dynamics of the Hispanic population; educational information which increases awareness of chemical abuse and decision-making about chemical use; service to individuals, families and service providers; training on utilization of bilingual chemical abuse prevention materials; technical assistance as requested for developing and implementing chemical abuse prevention projects; maintaining a clearinghouse of culturally appropriate print and video materials regarding chemical abuse prevention.

Announcements

Road Conditions Available for Out-of-State Travel: Check the weather along your route with a list of winter road condition numbers for nearby states and provinces. Call the MnDOT Information Desk at 296-3000.

State Parks Calendar Photo Contest: A contest to select photographs for the 1992 State Parks Calendar is being conducted by the Minnesota Department of Natural Resources (DNR). Entries are due by Jan. 20, 1991. Photographs may be of scenery, wildlife, flora, historic sites or people at any of Minnesota's 65 state parks. Of particular interest are photographs taken in some of the less visited state parks such as Camden, Beaver Creek Valley, Nerstrand Big Woods and Blue Mounds in southern Minnesota, and Buffalo River, Maplewood and Zippel Bay in northern Minnesota. The winning photographs will be featured in the full-color calendar that depicts various Minnesota state parks throughout the four seasons. The calendar will also highlight special state park events planned for 1992. Winning photographers will receive photo credits, five complimentary copies of the calendar, and a \$25 gift certificate from the Minnesota State Parks Nature Store. The contest is open to amateur and professional photographers, who may each submit up to 20 entries. Only 35mm horizontal color transparencies (slides) will be accepted. All slides must be labeled with the photographer's name, location where the photograph was taken, and the subject matter. Slides must be submitted in a clear plastic slide sheet, accompanied by a self-addressed, stamped return envelope. Contest entry forms and guidelines can be obtained at any state park or by calling the DNR Information Center at (612) 296-6157 in the Twin Cities, or toll free 1-800-652-9747 in Minnesota (ask for the DNR). Copies of the 1991 special edition Minnesota State Parks Centennial Calendar are now on sale for \$6.95 plus tax at all 65 state parks and at the DNR headquarters, 500 Lafayette Road, St. Paul, MN 55155-4039. They may also be ordered by calling the DNR at the above telephone numbers. There is a \$3 shipping and handling fee (per address) for mail orders.

Public Hearings on New Solid Waste Management Plan: The Metropolitan Council will hold two public hearings in January to receive comments on a proposed new plan for managing the Twin Cities Metropolitan Area's solid waste through 2010. The hearings are scheduled at 3 p.m., Jan. 16, 1991, in the Council Chambers at Mears Park Centre, 230 E. Fifth St., downtown St. Paul; and at 7 p.m., Jan. 17, 1991, in the St. Louis Park Recreation Center, 5005 W. 36th St., St. Louis Park. The new policy plan is designed to serve as a guide for developing a regional solid waste management system that emphasizes waste reduction and recycling. It differs from the Council's current solid waste plan, adopted in 1985. The public may attend one or both of the hearings and offer oral or written comments. To participate in the hearings, call the Council's Community Outreach Division at 291-6500. Written comments will be accepted through Feb. 1, 1991. Send comments to John Rafferty, Solid Waste Division, Metropolitan Council, Mears Park Centre, 230 E. Fifth St., St. Paul, MN 55101. For a copy of the draft *Solid Waste Management Development Guide/Policy Plan*, call the Council's Data Center at 291-8140.

Arts Board Grant Deadlines: Applications are now available from the Arts Board for two grant programs for arts institutions, and for the state's Percent for Art in Public Places registry. Eligible arts artists and arts groups should request guidelines as soon as possible. The deadlines are: • **January 15**—Artists in Education Organizational Support Grants • **February 1**—Percent for Art in Public Places • **February 15**—Minnesota Touring Arts Program

Areas Identified as "Search Areas" for Possible New Major Airport: Metropolitan Council staff Friday identified three large areas in the 14-county region surrounding the Twin Cities as locations within which a new major airport might be located in the future. One area is north of the Twin Cities, primarily in southern Isanti County, but also includes small parts of Anoka and Chisago Counties. The other two areas are in Dakota and Scott Counties. One is generally in the east central part of Dakota County. The second is in southwestern Dakota County and includes a small part of Scott County. The "search areas" range in size from 102 to 115 square miles, and result from a review of the entire 14-county area for possible locations. The review was based on factors such as accessibility, environmental considerations, land requirements of a new airport and airspace needs, among others. During 1991, several public meetings will be held on the search areas, leading to the selection of the final area. The Metropolitan Airports Commission will then have four years to choose a specific site and conduct an environmental impact study. Free copies of a summary report, *Selecting a Search Area for a New Major Airport, Part One: Three Candidate Areas*, are available by calling the Metropolitan Council's Data Center at 612-291-8140.

Human Services Laws and Rules

Human Services Laws 1989

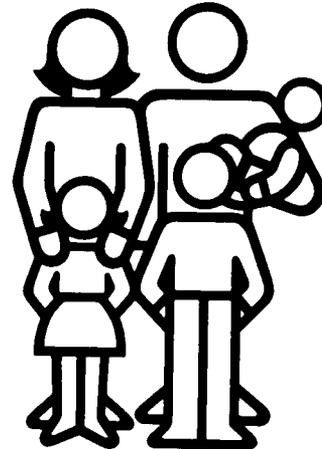
An extract from the statutes. Includes legislative amendments and additions from the most recent session. Code No. 2-56. \$29.95.

Human Services Rules 1989

Rules governing assistance programs, eligibility grant amounts, AFDC and residence requirements. MN Rules Chapter 9500-9580. Code No. 3-95. \$34.95.

3 ring binder. 2" capacity. 1 required for each of above listed publications. Code No. 10-21. \$4.25.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.

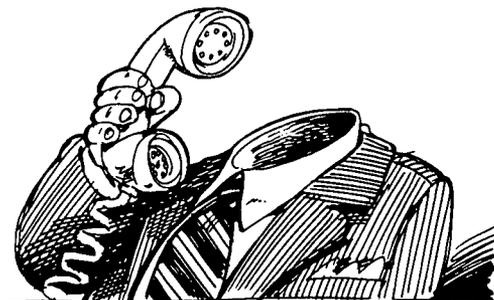


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Ever called this guy?

1989-1990 State of Minnesota Telephone Director. Get a direct line to the persons you want to speak to. Contains names, numbers, and agencies in the executive, legislative and judicial branches of state government. Four sections give listings alphabetically by name, agency, Minnesota region, plus an index for cross referencing. Over 250 pages, paperback, 8 1/2"x11". Code #1-87, \$11.95.

Minnesota Guidebook to State Agency Services. A treasure of information that cuts red tape and gets you **RESULTS** from Minnesota state government. This important resource helps you through applications, fees, licenses, reports, history, recreation and travel. It describes agencies in detail and how they can assist you, giving addresses, phones and contact people. Stock #1-4, \$15.00 plus tax.



TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.

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Department of Commerce Regulated Profession Publications

Banking Laws 1989. Complete text of state law governing banks, trust companies and other financial institutions. Code #2-76 \$31.95

Business and Nonprofit Corporation Act of 1989. Laws governing establishment and conduct of for-profit and non-profit corporations in Minnesota. Chapters 80B, 302A, 317. Code #2-87 \$15.00

Fair Labor Standards Act 1987. Minimum wage and overtime compensation standards for employers. Chapter 177. Code #2-75 \$5.00

Insurance Laws 1988. A compendium of laws applicable to the insurance business. Includes chapters on company and individual agents licensing requirements. Code #2-1. \$22.95

Insurance Rules 1989. Essential licensing information for businesses and agents. Includes standards on policies, practices, marketing and continuing education. Code #3-1 \$18.00

Notary Public Laws 1989. Statutory requirements regarding the oath of office, necessary bond, and taking of depositions. Includes an explanation of the term of the office and procedures for removal from office. Code #2-13 \$5.00

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.

Real Estate Laws 1988. Complete and up-to-date extract from the 1986 Minnesota Statutes. Code #2-92 \$7.00

Real Estate Rules 1987. Contains all education and licensing requirements for agents. Chapters 2800, 2805, and 2810. Code #3-99 \$8.00

Securities Laws 1989. Governs the activities of broker/dealers, agents or investment advisors. Chapter 80A. Code #2-12 \$7.00

Securities Rules 1988. Subjects include standards of conduct, equity securities, investment companies and more. Chapter 2875. Code #3-5 \$14.00

Banking Rules 1987. Code #3-81. \$6.00

Uniform Commercial Code 1986. Chapter 336, U.S. laws governing trade, including contracts, title, payment, warranties, performance and liability. Code #2-2 \$10.00

Mailing Lists. All kinds available. Call to receive a copy of mailing list service packet, (612) 297-2552.

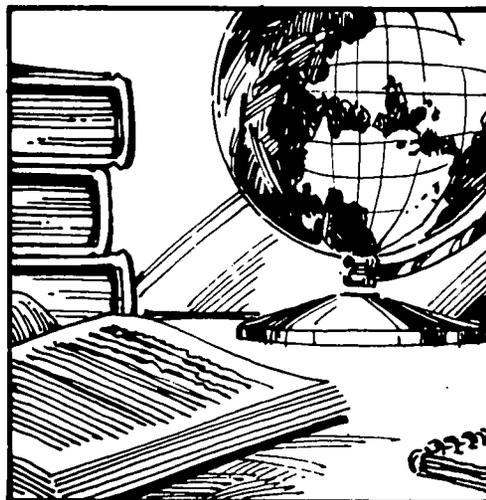
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Get Smart with these Education Resources

Board of Teaching-Licensure Rules 1987. Minnesota Rules Chapter 8700. Requirements for the issuance and renewal of all licenses, from vo-tech and hearing impaired to librarians and media generalists. Includes the Code of Ethics for Minnesota Teachers, and standards for teachers prepared in other states. Code #3-74, \$7.00 plus tax.

Education Directory 1989-90. All the elementary and secondary schools in the state. Includes Minnesota school districts, superintendents, boards, principals, district addresses, phone numbers and enrollment figures. Code #1-93, \$8.95 plus tax.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.



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Good Business Decisions are Made with Good Information

Minnesota Manufacturer's Directory. More than 7,000 entries that include name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2, \$78.50 plus tax.

Business and NonProfit Corporation Act 1989. A handy reference that contains all the state laws governing the establishment and conduct of corporations in Minnesota. Includes *Minnesota Statutes* Chapters 80B, 302, 302A and 317. Code #2-87, \$15.00 plus tax.

Minnesota Guidebook to State Agency Services 1987-1990. Packed with information to help you cut through red tape for easy and fast dealing with state agencies, this treasure of information opens state government to you. Its 640 pages describe agencies, how they work, listing contacts, addresses, phones, and license requirements, grants, forms, reports, maps, publications and much more. Gives historical, statistical and important data useful in hundreds of ways. Code #1-4, \$15.00 plus tax. FAX: (612) 296-2265.



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Resolve Bargaining Disputes and Grievances

Public Employment Labor Relations Act 1989. The collective bargaining rights and responsibilities of public employers and public employees. Details employees' right to organize and the legislature's authority. Code #2-90, \$6.00 plus tax.

Public Sector Labor Relations in Minnesota. A practical resource and training guide analyzing public sector labor relations in Minnesota. A special emphasis on contract administration, grievance handling and the arbitration process. 286 pages, paperbound. Code #10-51, \$12.50.

Minnesota Guidebook to State Agency Services 1987-1990. A treasure of helpful, useful, and interesting information about Minnesota state government. This important resource guides you through applications, fees, licenses, reports, history and travel highlights. Describes agencies in detail, giving addresses, phones and contact people. Code #1-4, \$15.00 plus tax. FAX: (612) 296-2265.



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